



Chief Executive's Report

Report to: Board
Date: 3 October 2013
Report by: Annette Bruton, Chief Executive
Report No: B-16-2013
Agenda Item: 13

PURPOSE OF REPORT

This report provides the Board with an update on key developments since the 28 June 2013 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	11.9.13
1.0	Legal Services	Executive Team	Contributed to report	11.9.13
1.0	Resources Directorate	Executive Team	Contributed to report	11.9.13
	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: 26 September 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 June 2013.

2.0 PLANNING AND QUALITY ASSURANCE

A Programme Management Team chaired by the Chief Executive has been established to support and monitor operational planning.

The Programme Management Team is the corporate review and decision making group overseeing the progress of the Operational Improvement Plan. The team will:

- oversee, co-ordinate and be accountable for the delivery of the Operational Improvement Plan, ensuring that it delivers the corporate plan objectives;
- ensure that actions and outcomes are properly prioritised, integrated and resourced;
- ensure that decisions are made in accordance with the relevant delegated authorities, that there are governance arrangements in place for individual projects and that it is clear where accountability for each lies;
- manage, monitor and review on-going risk relating to our operational business activities;
- contribute to the development of risk-based information and intelligence related to the business improvement plan;
- give cognisance to members of the Partnership Forum attending specific meetings;
- ensure that key messages are related to staff effectively and efficiently, and
- identify strategic issues through horizon scanning, reporting these to the Board.

The Head of Strategic Inspection Adults started in post 5 August 2013 and is working closely with the Head of Strategic Inspection Children, to ensure systems and processes for the scrutiny of community planning partnerships are as aligned as possible and that lessons learned from children's inspections are incorporated into the developing methodology for adult services inspections.

The Head of Inspection, Older People, East will take up post on 21 October 2013. This will complete the recruitment of Heads of Inspection. An updated structure diagram showing senior staff postholders is attached for information at Appendix 1.

The Depute Director Adult Services met with Scottish Care on 4 September 2013 to reinstate quarterly liaison meetings, with a focus on mutually positive outcomes from the meetings. Instead of the usual note of the meeting, a questions and answers will be drafted for publication in the Scottish Care Newsletter and Care News – to ensure wide dissemination of relevant, accurate information.

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NHS Highland has invited the Depute Director of Inspection Adults and relevant inspection staff to contribute to a development day in October. This will focus on joint working to bring about improvement in registered care services, with a particular focus on care homes for older people and care at home services.

3.0 STRATEGIC INSPECTION

3.1 Joint Inspection of Services to Adults

Joint work in the three development sites has been completed. In June, a joint meeting was held with scrutiny partners to continue to refine and review the inspection methodology.

The final evaluation report on the development sites is awaited. A project plan will be developed to take forward the recommendations and areas for action.

The first full pilots have started in Aberdeenshire and Moray. An external Consultant will be appointed to undertake a review of the pilot phases, focusing on external stakeholder experience.

The redesign of the public report has commenced and is due for completion by the end of September.

Recruitment of additional Strategic Inspectors is completed and their induction programme commenced on 3 September 2013.

A staff development day was held on 7 May 2013 targeted at strategic inspection staff who had taken part in the pilot inspections – children and adult services. The aim of the day was to share experiences and learning from the pilots of both adults and services for children, and begin to develop a common approach to strategic inspection. This will feed into a wider national consultation about the methodology and our approach.

During the autumn the Care Inspectorate Adults and Learning Disability inspection team will support an investigation being undertaken by the Mental Welfare Commission Scotland. The investigation will focus on the care received by a service user whilst using a registered service. This will be the first time the Care Inspectorate has been directly involved in a MWC investigation and reflects our good relationship and partnership working with them.

3.2 Early Years Inspection

Early years teams have focussed on improving poorly performing services and on the quality and consistency of inspection practice during Q2. During this period there has been considerable internal change, with the composition of all teams changing due to inspectors and a Team Manager transferring to early years.

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The high rate of enforcement for early years services continues to demonstrate our effectiveness in protecting children and improving the quality of services. This consists of new enforcement activity as well as monitoring existing improvement notices and conditions imposed on a service's registration. There is currently enforcement activity with 13 providers, some of which are extremely complex.

3.3 Children and Young People Inspection

The pilot phase of the joint inspections for children and young people is almost completed. Public reports of the first two pilot joint inspections have been published on the Care Inspectorate website (Edinburgh and Orkney). A further two pilot joint inspections have been completed in Argyll and Bute and North Ayrshire, with public reports issued and due imminently for publication.

Successful staff seminars have been held to share experiences from the above pilots. A key aim of these events has been to raise awareness of the detail of the findings from the strategic inspections and to inform the on-going inspection of care services, considering how to apply these findings to driving improvement across providers.

An externally focused review of these findings is also underway, including colleagues from HMIC, HIS and Education Scotland. This will inevitably mean modifications to the methodology to take account of the review.

Joint inspections of services for children and young people have now been completed in East Dunbartonshire and Midlothian council areas, with two further joint inspections commencing in October for East Lothian and Highland.

4.0 INSPECTION OF OTHER REGULATED SERVICES

A meeting has now taken place with the Mental Welfare Commission, operational and strategic directorate colleagues. Colleagues from the Scottish government were also involved in providing input on funded projects to help support young people and services deal with the mental health issues. The collaborative inspections will take place between November 2013 and January 2014.

Three teams continue to support capacity building across the Inspection Directorate. Additional service types have been reallocated here from Adults Services, reflecting the wide responsibility of regulation of children and Criminal Justice services, this has included 114 Housing Support (some combined with care at home) services where the provider in the annual return has identified core service delivery to include offenders. The teams will require some development to meet this responsibility and may require additional resources in the longer term. This has also included all women's aid services as these generally support families. This will allow the three teams to work more closely with colleagues in Early Years teams who will regulate associated day care services of Women's Aid.

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The teams remain challenged currently because of on-going sickness absence and a small number of 'new' staff requiring significant induction support.

The Fostering and Adoption team has begun to consider methodology. This is cross team working includes colleagues from strategic inspection and early years.

There have been three highly complex investigations into providers which has involved extensive staff input and senior management oversight, as well as attracting considerable media attention.

The Depute Director and Head of Inspection for Criminal Justice and Young People will be presenting at the Looked After Children Strategic Implementation Group Hub event in October 2013.

5.0 REGISTRATION AND COMPLAINTS

5.1 Registration

The 3 month review of the Registration and Complaints functions commenced in June 2013 and will report by the end of October 2013. Recommendations will be made on: policy, procedure, responsibilities and process; compliance with legislative requirements; roles; cross-operational working; key performance indicators; and crucially how to be more customer-focussed.

The registration team has continued to refuse a relatively high rate of applications for registration and variation compared to predecessor bodies where standards are not met for registration. This is the result of more consistently applied high standards across the national team.

Continued 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 and with the high volume of applications reflecting new providers taking over existing services rather than new places being created.

5.2 Complaints

The Scottish Public Services Ombudsman (SPSO) has issued new guidance on their Model Complaint Handling Procedure (CHP). The Care Inspectorate has completed a self-assessment of compliance and provided this to the SPSO. As part of the work of the review of Registration and Complaints changes will be made to existing procedures.

The research project into the impact of making a complaint will be published during September 2013 and was the subject of a Board Development session. The research findings will influence the work of the Registration and Complaints review.

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6.0 DEVELOPMENT WORK

6.1 Developing New Approaches to Inspection Planning

It was identified at the outset, that fully implementing national specialist teams was dependent on having the right people with the right skills where we needed them, and that number of measures would need to be taken in the short, medium and longer term to re-balance the workforce, for example, through targeted recruitment. We correctly predicted that there would be certain geographic areas across the country where we wouldn't always have sufficient specialist staff close to the services that we need to inspect. This is one of the main challenges we currently face, and senior managers are continuing to work together to resolve this. There is no quick/easy fix. This has involved taking a pragmatic approach to allocation of workloads to each of the national specialist teams and individual inspectors.

Work is underway to develop the Inspection Plan for 2014-15 for consideration in due course by the Strategy & Performance Committee and the Board.

The Capacity Planning Tool developed by the Inspection Planning Team was rolled out to Team Managers to help them manage capacity within and across inspection teams. Drawing down information from our existing IT systems, including actual and projected staff absence, together with the information input directly by Team Managers, is beginning to provide the senior management team with a level of information they previously didn't have to support workforce planning.

A capacity tool for the Strategic Inspectors is in the final stages of development and is expected to be rolled out during September and October 2013. This will allow managers to plan, monitor and review their deployment more effectively.

The implementation and roll out of 'Covalent' is beginning to provide us with much clearer and more detailed performance management information at both a strategic and operational level. We are now beginning to use it to manage and monitor progress of projects and business developments arising from the Operational Improvement Plans.

6.2 Duty of User Focus

Lay Assessors continue to play an important role in our inspections. Now that we have a single involvement team in place, we are refreshing our approach to recruitment and are progressing plans for a recruitment campaign to increase our pool of assessors. We have identified the need for improved processes to ensure we are making best use of our resources and better guidance for inspection staff to strengthen the contribution of lay assessors to our work to provide assurance about the quality and impact of care services on the lives of individuals.

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We held a very successful event at the end of June, *Reach High*, engaging with young people to raise awareness about the work of the Care Inspectorate and to stimulate interest and ideas from young people about how they might become involved. We have had a very positive response to our recruitment of an involvement adviser specifically for children and young people. This is a key post to help us develop and take forward a strategy for consulting with and involving young people, including young people with direct experience of care and social work services. Interviews are to be held later this month.

We continue to involve young inspectors in our strategic inspection of services for children and young people. We now need to consider how young people might make a contribution to inspections of relevant care services and to scope out the support that would be required to enable them to do so.

6.3 Equalities

We are currently in the process of recruiting a secondee to support the implementation of our equalities action plan which was launched last year. The postholder will work closely with a designated lead for equalities within our Human Resources team to ensure we maintain progress in implementing agreed actions in the plan across all aspects of our work. The equalities adviser will also work closely with our involvement advisers to develop and strengthen links with key groups and organisations across the country to ensure we are consulting with and involving people from a diverse range of backgrounds.

6.4 Health Improvement Team

We recognise we have more work to do to shape the structure, lines of accountability and key tasks for this team going forward and to ensure staff have appropriate support to keep their specialist knowledge and skills updated. At present, we are identifying patterns of demand on the team with a view to clarifying the most critical areas of need and making most efficient and effective use of our resources. Team members continue to play a valuable role in complex inspections, complaints and enquiries in addition to their work in publications, working groups and contribution to consultation responses. Our dementia consultant, working alongside our four dementia champions, is helping us make good progress in implementing our strategy to provide all of our staff with a level of knowledge and understanding about dementia (aware, informed or expert) relevant to their role. Our child and adolescent mental health consultant is mentoring a small group of staff from the young people and justice team to complete an accredited on-line learning programme in mental health and young people and is making an important contribution to our inspections of secure services.

6.5 Methodology Development (Regulated Care Services)

We are recruiting a project lead to take forward a review of our inspection methodology for regulated care services inspections. Interviews will be held

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shortly. Our aim is to develop an efficient and effective method of inspection that maximises the time which our inspectors spend in services and enables us to comment authoritatively on the experience of the person using services and the difference the service is making to their lives.

In the next few weeks, we will start to test out a new approach to inspecting and reporting on the quality of childminding services, with a simplified report format and a stronger focus on how childminders are helping promote healthy development against the GIRFEC wellbeing indicators being used by services across the country. (Safe, health, achieving, nurtured, active, respected and responsible, included).

Last year we did the groundwork to develop our inspections of fostering services to allow us to have a clearer focus on the experience of the child who is fostered, as well as the foster carers. We are now moving forward to incorporate some of these developments into our current inspection methods and to scope out a new approach to inspection of fostering and adoption services in the future.

6.6 Improving Quality and Consistency

We are recruiting a secondee to help take forward a number of key actions aimed at improving the consistency of our approaches and strengthening quality assurance. We are focusing on:

- developing tools and revising guidance to help staff and managers be more consistent in their work;
- clarifying expectations of staff and managers around quality assurance and strengthening how we evidence checking and assurance processes; and
- developing feedback systems to support ongoing monitoring of quality.

6.7 The Hub (Good Practice Research Hub)

Development of 'The Hub' is progressing well with external launch planned for January 2014. The policy and communications team continue to work with colleagues from across the organisation to identify content and test the site. Initial feedback received at the staff conference was positive and plans are being put in place to set up an internal reference group to provide more detailed feedback prior to launch.

7.0 CONSULTATIONS

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

- Public Bodies (Joint Working) (Scotland) Bill
- Children & Young People (Scotland) Bill
- Adults with Incapacity (Supervision of Welfare Guardians etc. by Local Authorities) (Scotland) Regulations 2002

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- Freedom of Information – Proposals for an Order Revising the Lifespans of Certain Exemptions
- Nutritional Guidance for Early Years
- Proposed Changes made to HSE Guidance – Health and Safety in Care Homes
- Draft Carers Regulations 2014
- Draft Directions (The Carer’s Assessment) (Scotland) Directions 2014
- Self-Directed Support: Draft Regulations and Care & Support Statutory Guidance
- Advocacy Guide for Commissioners

8.0 COMMUNICATIONS

8.1 Significant Publications

We published a report on criminal justice social work Serious Incident Reviews, summarising our findings from reviewing reports 45 serious incidents reported to us between Jan 2012 - March 2013. It received significant media attention, including a number of front-page stories and was the first such report published by the Care Inspectorate. We highlighted publicly our concern that not all serious incidents are reported to us: a message we have reinforced to chief social work officers.

We have published a new pilot report from the new joint inspections of children’s services, covering Argyll and Bute. This is the third pilot, and the design and reporting style continues to be refined.

We have worked with the College of Occupational Therapists to support their Living well Through Activity in Care Homes Toolkit, aimed at providing practical ideas of how to support care home residents to live their lives doing the day-to-day activities that are important to them.

8.2 Media Engagement

We continue to receive a steady flow of queries from the media about our work, particularly requests for information about the performance trends of different types of service, with particular interest in care homes for older people and day care of children. We attempt to assist where possible, and have agreed to bring our press office function in-house. Recruitment is now underway.

We have also agreed a new approach to using social media, starting with the Care Inspectorate's Twitter channel (@careinspect).

9.0 LEGAL AND ENFORCEMENT ISSUES

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9.1 'All Stars' Appeal

The bulk of the expenses of the appeal before the UK Supreme Court have been awarded in favour of the Care Inspectorate. One appeal remains ongoing at Aberdeen Sheriff Court.

9.2 Enforcement Activity

The Care Inspectorate has recently commenced two applications under s65 of the Public Services Reform (Scotland) Act 2010 for cancellation of registration of a care service. These bring to three, the number of such applications currently ongoing in the Sheriff Court. Numbers of enforcement cases generally are separately reported.

10.0 LIAISON WITH SCOTTISH GOVERNMENT

The Care Inspectorate met with Sandra McDonald, Public Guardian (Scotland) and other Scottish Government colleagues to provide information to a visiting Singapore Public Guardianship delegate. We provided detailed written responses to their many questions as well as a very useful exchange of information at the meeting.

The Inspection Directorate is working closely with Scottish Government colleagues closely on the Reshaping Care of Older People agenda. We have representation on the Task Force and a number of associated sub-groups.

We continue to actively support policy development at all levels in integrating health and social care, children's bill and the public service reform agenda.

10.1 Liaison with Sponsor Branch

Following an expression of interest, arrangements are being made to provide members of our sponsor branch with a comprehensive half day briefing on the information and intelligence gathered routinely. The Chair and Chief Executive met with the Cabinet Secretary on 26 September 2013 for the annual accountability meeting.

11.0 CO-OPERATION AND JOINT WORK WITH OTHER REGULATORS

On 17 October, the Depute Directors for Adults and Children's services will attend a two-day 5 Nations Providers Meeting in Cardiff. This provides the opportunity to meet with national umbrella provider organisations along with colleagues from other UK regulatory bodies.

An Assistant Chief Inspector from the Welsh Inspectorate is visited the Care Inspectorate on 11 and 12 September 2013 to meet with the Executive team and also to provide refresher training to our group of SOFI2 trained inspectors. SOFI

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stands for short observational framework for inspection. It is a tool that can be used by inspectors to make a judgement as to what life is like for people using services. It is used when people in the service are unable to say what their care treatment is like. Following this, the intention is to disseminate SOFI training more widely across inspection and include the use of the tool in care service inspections, starting with care homes and care at home services for older people. Other colleagues from the Welsh Inspectorate met the Director of Corporate Services and the Chief Executive to discuss benchmarking, judgement frameworks, ICT solutions and peer review.

12.0 CORPORATE SERVICES

12.1 Partnership Working

The Chief Executive invited the staff side of the Partnership Forum to increase the number of meetings so that the forum can support the change programme and resolve any issues that arise. This was agreed and has been put in place. The Partnership Forum has also reviewed and refreshed the Partnership Agreement, building on a successful development session of the forum on 15 May 2013.

Joint working with the Partnership Forum is progressing as we shape our working relationships with our trade unions. There are good examples of positive joint working such as the collaborative approach to drafting the partnership agreement and working to make suggestions to support the outcomes of a recent union staff survey.

12.2 RoCA Replacement

Work is ongoing to develop the new inspection award to replace RoCA. Resources Committee approved the learning objectives and general direction of the new award so that work can commence on developing a tender document to secure a provider. The new award is modular in approach and focuses on building regulation knowledge and skills. It will be available from Autumn 2014 and approximately 140 inspectors will undertake the award. The award will also provide opportunities for administrative staff to also gain a qualification.

12.3 Skills Profile

A skills profiling exercise will be launched mid October 2013 across the whole workforce. The aim is to create a clear picture of the skills, experience and knowledge that we have within the workforce in order to:

- Ensure the right skills mix is in the right places
- Provide targeted recruitment and learning and development
- Enrich job roles through allocating both inspection and development work to the inspection, registration and complaints employee group

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Guidance and communications will be going out to staff in the next fortnight and the objective is to cover the whole workforce by January 2014.

12.4 Care Inspectorate Development Week (9 – 13 September 2013)

The week began with an all staff conference in Edinburgh. The remainder of the week was split into events for the Adult's and Older People teams and Children's Services and Criminal Justice teams.

The Children's Services and Criminal Justice teams attended a conference on 10 September, followed by self directed learning days and separate events more specific to either Early Years (East and West), strategic inspectors and young people and criminal justice teams in various locations.

Within the Adult's and Older People team, representatives opted to attend various events throughout the week. The events took place in either Dundee or Stirling. During the week there was also a day dedicated for staff to spend time with their teams.

The registration team had a development day and representatives from registration, complaints and administration teams attended the various events of both directorates within the week.

The Organisational Development team have received both written and verbal comments about the week. Staff expressed a great appreciation for having the opportunities to attend various sessions which proved very successful and having dedicated time to update their knowledge, reflect on their practice and meet up with colleagues.

12.5 Organisational Restructure

Resources Committee approved a paper which will conclude the organisational restructure. Work is now underway to make the approved changes and ensure the organisation is fully resourced as quickly as possible. This includes the new administration structure which will modernise the way we support the workforce through flexible and responsive administrative support.

12.6 People Management Policies

Resources Committee commented on the positive progress being achieved in refreshing and introducing new people management policies to support the workforce. In the last quarter we have approved a refreshed relocation policy, grievance policy and Salary protection policy. We also introduced a new Dealing with Violence and Aggression Policy to proactively support our workforce to internally report incidents where providers are verbally abusive.

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This allows early support for employees and sets clear boundaries about expected conduct and behaviour from providers under scrutiny which can become clouded during inspection.

LIST OF APPENDICES

Appendix 1 - Senior Staff Postholders