



Chief Executive's Report

Report to: Board
Date: 28 June 2013
Report by: Annette Bruton, Chief Executive
Report No: B-10-2013
Agenda Item: 8

PURPOSE OF REPORT

This report provides an update on key developments since the 21 March 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 | 5.13 |
| 1.0 | Legal Services | Executive Team | Contributed to report | 5.13 |
| 1.0 | Resources Directorate | Executive Team | Contributed to report | 5.13 |
| | 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: 13 June 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 March 2013.

2.0 INSPECTION AND REGULATION

The Operational Planning Group (OPG) chaired by the Director of Strategic Development/Depute Chief Executive has continued to meet and in line with the commencement of new staff, is reviewing the terms of reference and membership of this group to ensure its continued effectiveness.

While recruitment continues for inspectors across the organisation, Team Leaders have now been appointed and allocated to their new specialist teams. The four Heads of Inspection have now taken up their posts and are working closely with colleagues to ensure a smooth handover process.

An initial meeting has been arranged between the Heads of Inspection and the Depute Director (Children's Services and Criminal Justice) to ensure that all are clear about the Corporate Plan and the vision for the service going forward.

We have been liaising with the Welsh and Irish Inspectorates in a number of areas. Colleagues from Northern Ireland are visiting in July to discuss possible joint work. There are a number of projects agreed with the Welsh Inspectorate (CSSIW) including:

- Benchmarking for cost and quality
- Adopting SOFI 2 an observational tool for inspection and the opportunity for some of our inspectors to join inspections in Wales where the tool is being used
- Interest in our ROCA award by CSSIW

We were also represented at the annual UK Heads of Inspectorate meeting by the Chief Executive. The main focus was on reports on Mid-Staffordshire Hospital and Winterbourne view. The main speaker was Robert Francis QC who discussed the role of the regulator in failing services.

Throughout April and May the National Inspection Planning Team has continued to develop a centralised approach to planning, in conjunction with managers and inspectors. We are bedding in our new approaches and working hard to ensure robust systems and processes are developed to support an effective inspection programme. Performance Management and reporting arrangements are also progressing and capacity training events have been arranged for managers during May.

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|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

2.1 Early Years Inspection

Since establishing the specialist teams on 1 April 2013, the focus of early years inspection teams has been on team building and implementing the national inspection plan. There has also been a focus on practice issues and developing the quality of care services. There is enthusiasm and commitment to making the most of the opportunity presented by specialist teams. Team Leaders and inspectors are welcoming being able to focus on the quality and consistency of practice in inspecting early years settings. Early Years inspectors have also welcomed the opportunity to be involved in development sessions looking at the feedback from the joint inspections of children's services and discussing the future integration of service level and strategic level inspections. There have also been a number of specialist areas raised for further development opportunities, including autism and child development.

Early Years inspection has also been responding to child protection issues affecting registered services. Since April, this has included three services voluntarily cancelling their registration when informed that the Care Inspectorate would be taking enforcement action. The Care Inspectorate is in the process of reporting these cases to Disclosure Scotland.

A review of the inspection methodology in respect of childminders is underway, with recommendations made to the Executive Team regarding piloting some key changes. Further work will continue on this, with specific emphasis on involvement of service users, including children and young people.

2.2 Strategic Inspection

2.2.1 Joint Inspection of Services to Adults

The programme of pilot joint inspections – in Perth and Kinross, Inverclyde and West Lothian Councils are well underway and at various stages of completion. The pilots have been a successful collaborative undertaking with Health Improvement Scotland colleagues and other delivery partners.

A draft of the pilot joint inspection in Perth and Kinross Council has been issued. A meeting is scheduled with the Community Planning Partnership (CPP) to enable a professional discussion to take place about the draft report, its findings and format. Colleagues from Healthcare Improvement Scotland were partners in the joint inspection and will be involved in these discussions.

The fieldwork for the joint inspection in Inverclyde Council has just been completed with the report currently being drafted.

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

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

and services for children, and begin to develop a common approach to strategic inspection. This will feed into a wider consultation about the methodology and our approach.

2.2.2 Joint Inspection of Children's Services

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 to be issued following the parliamentary summer recess.

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 slight modifications to the methodology. A consultation on the quality indicator framework 'How well are we improving the lives of children and young people? A guide to evaluating services using quality indicators' has indicated that the approach, structure and content of the quality indicators are welcomed and viewed positively. The document is being updated to take account of the consultation and the learning from the pilot inspections.

Finally, joint inspections of services for children and young people are due to commence in East Dunbartonshire and Midlothian council areas in June, with two further joint inspections planned in October for East Lothian and Highlands.

2.3 Criminal Justice & Young People

Key developments within criminal justice and young peoples inspection include:

- The creation of two core groups of experienced staff to inspect fostering and adoption and secure accommodation services. The inspectors allocated to these "national teams" have met to discuss consistent methodology and grading, report writing templates and future methodological developments.
- Agreement with the Mental Welfare Commission to undertake joint inspections of all secure services later in the year. These inspections will focus on services' approaches to young people's mental health including assessment and care practice interventions.
- Meeting with Scotland Excel to contribute to their development of national framework contracts for foster care and children's residential services.

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

- Attendance at the launch of the Life Changes Trust, a new charity which will invest £50 million over ten years on two specific vulnerable groups, one being young people who are in the process of leaving care.
- Our consultant nurse for children and mental health services (CAMHS) has continued working with inspectors during inspections.

3.0 STRATEGIC DEVELOPMENT DIRECTORATE

3.1 Registration

It is anticipated that a 3 month review of the Registration and Complaints functions will commence in June 2013 and make recommendations 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. 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.

3.2 Complaints

The Scottish Public Services Ombudsman (SPSO) has issued new guidance on their Model Complaint Handling Procedure (CHP). The Care Inspectorate is expected to have completed a self-assessment of compliance by September 2013 and an assurance of compliance by March 2014. This work will be captured under the work of the review of Registration and Complaints.

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. An early draft research report has been made available and discussions are to take place later in May 2013 with the researchers in order that the draft is refined before wider distribution within the Care Inspectorate.

4.0 DEVELOPMENT WORK

Managers from our Older People team and Health team were invited to participate in a multi-agency training event hosted by Scottish Care Association in May 2013. The day focussed on working together to develop an outcomes framework to improve the health and wellbeing of older people using care home services in

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

Agenda item 8

Report Number

B-10-2013

Ayrshire and Arran Health Board. The SCA were keen for the Care Inspectorate to participate as our knowledge and experience of developing and working with outcomes frameworks was seen to be vital and key to taking the framework forward.

We will continue to work with Scottish Care Association and delivery partners in the multi agency working group to support this important development.

Glasgow NHS Nurse Liaison team and Glasgow City Council's commissioning team to take a collaborative approach to driving up and supporting improvement within care services and with service providers.

4.1 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.

Work is ongoing by Heads of Inspection and Team Leaders to re-allocate a relatively small number of services that are located in specific geographic areas of the country where there is currently insufficient staff locally within the relevant specialist teams.

There are some ongoing challenges with the IT systems in relation to capacity planning and workload management, but these are in the process of being addressed. Successful completion of that work will allow the National Inspection Planning Team to begin to exploit the benefits of planning inspections dynamically over a four-year period to maximise organisational effectiveness and efficiency.

The National Inspection Planning Team have finalised the development of a capacity planning tool to help team leaders manage the capacity within and across inspection teams. Training is being delivered to them during the week commencing 20 May 2013.

New approaches to performance management are also under development which will complement the new approaches to capacity planning and inspection planning detailed above. This includes the phased roll-out of 'Covalent'

4.2 Duty of User Focus

Lay assessors – lay assessors participated in 414 inspections in 2013-14, a significant increase on the previous year. Lay assessors spoke with well over 3000 people who use services and more than 1000 family carers or friends, adding their valuable perspectives to the evaluation of services.

We are making progress in bringing together the three different strands of our involvement activity (lay assessors, carer inspectors and young inspectors) under a single team. This will provide an opportunity to review the critical contribution of involved people to helping the Care Inspectorate meet its aims across a range of

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|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

activities, including the review and revision of inspection methodology and reporting.

The Care Inspectorate will be hosting an event for young people on 30 June 2013 to raise awareness of the existence and role of the Care Inspectorate and gather the views of children and young people about their experiences of using care and social work services. We will use these views to help us consider how we inspect services for young people and how we support services to further improve. We anticipate more than 100 children and young people will attend along with their carers. The event, which will be held at Edinburgh Indoor Climbing Centre, Ratho, has been planned taking into account young people's views about how they would prefer to be consulted and aims to be fun and exciting as well as informative. A range of partners will be involved, including Young Scot, Scottish Youth Parliament, Who Cares? Scotland and the Children's Commissioner. Young inspectors who have been working with us on the pilot joint inspections of children's services will also participate.

4.3 Equalities

In April we published two important documents. Towards Equality 2013 – 2017 which sets out our equality strategy, objectives and outcomes and Equality Outcomes 2013-17, our action plan setting out how we are complying with the requirements of the Equality Act 2010. We will report on progress against our action plan no later than 30 April 2015. We will review the outcome statements by April 2017.

4.4 Health Improvement Team

We have recruited two nurse consultants for dementia and child and adolescent mental health with the aim of taking forward our practice in these areas of work, helping skill our staff and strengthening links with external partners. Their work will complement the work of our health advisors and existing consultants. Proposal papers are being brought forward to streamline management arrangements to build a coherent team of health specialists which can contribute more effectively to meeting our strategic aims.

4.5 Inspections

On 30 May 2013, we published a report of the findings of the second programme of joint inspections of services to protect children. The Minister for Children and Young People launched the report at an early years service in Perth and Kinross.

4.6 The Hub (Good Practice Research Hub)

The Hub has now completed its design and development phase. The policy team, with support from communications, are currently undertaking testing of the site, while working with colleagues from across the organisation to gather content ready for launch later in the year.

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

4.7 Parliamentary Activity

4.7.1 Legislation

The Children and Young People (Scotland) Bill was introduced to Parliament on 17 April 2013 by Alex Neil, Cabinet Secretary for Health and Wellbeing. The Bill is designed to 'make provision about the rights of children and young people; to make provision about investigations by the Commissioner for Children and Young People in Scotland; to make provision for and about the provision of services and support for or in relation to children and young people; to make provision for an adoption register; to make provision about children's hearings, detention in secure accommodation and consultation on certain proposals in relation to schools; and for connected purposes'.

The policy team has provided detailed analysis of the Bill and its potential implications for the Care Inspectorate.

A separate Board paper outlining the introduction of the Public Bodies (Joint Working) (Scotland) Bill sets out the implications for the Care Inspectorate.

4.7.2 Committees

The policy team has also provided support to members of the Care Inspectorate Executive and Senior Management Team ahead of appearance at a number of recent Scottish Parliament committees:

- On 16 April 2013 Chief Executive Annette Bruton and Lawrie Davidson, Head of Inspection (Criminal Justice and Young People's Services) attended the Education & Culture Committee to give evidence to the committee's inquiry into decision making on whether to take children into care.
- On 23 April 2013 Director of Strategic Development/Depute Chief Executive Karen Anderson and Jacquie Pepper, Head of Inspection: Strategic (Children's Services and Criminal Justice) gave evidence to the Health & Sport Committee on the proposed establishment of a National Confidential Forum (NCF) in the Victims and Witnesses (Scotland) Bill.
- On 30 April Chief Executive Annette Bruton and Helen Happer, Head of Quality and Improvement gave evidence to the Public Petitions Committee as part of its child sexual exploitation inquiry.

4.8 Consultations

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

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

- Refresh of National Guidance for Child Protection in Scotland 2010 (Scottish Government)
- Proposed Changes to Regulations Implementing the EU Services Directive (Department for Business Innovation and Skills)
- Redesigning the Criminal Justice System (Scottish Government)
- Proposed Restructure of the Commissioner for Ethical Standards in Public Life in Scotland (Scottish Government)
- Model Code of Conduct for Members of Public Bodies in Scotland (Scottish Government)
- On Board (Scottish Government)

The policy team continue to take a central role in responding to external consultations, working with colleagues from across the organisation. Consultations that the Care Inspectorate is currently responding to include a call for written evidence to the Public Petitions Committee as part of its inquiry into tackling child sexual exploitation in Scotland; and the Education and Culture Committee's consideration of the new Children and Young People (Scotland) Bill.

4.9 Communications

4.9.1 Publications

We published a report on the deaths of looked after children between 2009-2011, summarising our findings from reviewing reports about the death of 18 looked after children. It received significant media attention and was the first such report published by the Care Inspectorate: the one previous report was published by SWIA. I hope this will allow learning to be shared across Scotland.

We published the first two reports from the new joint inspections of children's services, covering Edinburgh and Orkney. These pilots, using a draft framework of indicators, have been extremely useful in refining methodology. The full pilot of joint inspections of adult services is due to commence shortly in West Lothian.

We published our second national report on child protection services on 30 May 2013 in Perth.

4.9.2 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 are currently reviewing the way in which our press office function is delivered.

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

5.0 LEGAL AND ENFORCEMENT ISSUES

5.1 'All Stars' Appeal

The current appeals remain ongoing at Aberdeen Sheriff Court. It is anticipated that a full hearing will be fixed to take place in late summer / autumn

We continue to await the decision of the Supreme Court in relation to costs in respect of the appeals which it heard in January.

5.2 Enforcement Activity

In two cases, inquiries are under way with Police / the Procurator Fiscal / Social work department seeking further information in cases where there may be serious risk to minded children and where applications for cancellation of registration under s65 of the Public Services Reform (Scotland) Act 2010 may be necessary. Numbers of enforcement cases generally are separately reported.

5.3 Fatal Accident Inquiries

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.

6.0 LIAISON WITH SCOTTISH GOVERNMENT

The Care Inspectorate has been involved in the national overview of themes emerging from the Joint Strategic Commissioning Plans submitted to Scottish Government and evaluated by the Joint Improvement Team. We are a member of the National Steering Group for Joint Strategic Commissioning and attended a national Scottish Government hosted event on 14 May 2013 which focussed on emerging themes and the way forward.

6.1 Liaison with Sponsor Branch

We held a successful joint orientation day for new policy colleagues in the sponsor department and new senior Care Inspector managers. It allowed both sides to explore our approach to developing care policies and practice. We also discussed developing the flow of information between policy colleagues and Care Inspectorate staff, and agreed to review our protocol on answering parliamentary questions and ministerial requests for information.

7.0 CO-OPERATION AND JOINT WORK WITH OTHER REGULATORS

Managers from the Older People's team were invited to present at a recent Healthcare Improvement Scotland training day. The presentation focussed on sharing the Care Inspectorate's approach to measuring outcomes, the quality of evidence required to substantiate outcomes and grade care services.

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|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

Colleagues from Healthcare Improvement Scotland have been partners in the recent pilot strategic inspections and this training event built on our shared experience of the pilots and collaborative working.

8.0 CORPORATE SERVICES

8.1 Partnership Working

A joint development session between management and staff representatives of the Partnership Forum was held at the Royal College of Nursing Head Quarters in Edinburgh on 15 May 2013. The day was very successful and a joint action plan is being developed.

8.2 Payroll and HR Management Information Systems

There has been some initial set up issues with BT and the planned 'go live' date has been postponed from the originally intended 1 May 2013. Subject to final testing the new service is now intended to 'go live' on Monday 3 June 2013. There are contingency arrangements in place with the current provider to cover any delays to initial implementation up until August 2013.

8.3 Pay Remit

The key elements of the Pay Remit for 2013/14 are:

- Grades 1 and 2 – (£14.6k - £19.5k) – increase of £250
- Grade 3 – (£19.5k - £22.4k) – increase of £155
- A 1% increase in basic pay for all staff earning less than £64500 (or pro rata equivalent)
- Pay progression for all eligible staff
- An increase of 1% on allowances ie home working and distant islands allowance.

The total cost of the increase is £453714 (1.79%) being the maximum negotiating position. These costs are affordable and can be contained within the Care Inspectorate's budget for 2013/14.

The remit has been submitted to the Scottish Government Pay Policy Unit for approval, after which consultation will take place with the trade unions.

8.4 Financial Year End

Work is progressing well on the preparation and planning of the draft Annual Report and Accounts.

These are expected to be completed and ready for submission to the External Auditors on Friday 28 June 2013.

| | | |
|--------------|----------------------|------------------|
| Version: 3.0 | Status: <i>Final</i> | Date: 21/06/2013 |
|--------------|----------------------|------------------|

9.0 STRUCTURE REVIEW

Appointments for senior corporate and strategic posts are continuing to progress well. All third tier post and Head of Inspection posts, bar one, are appointed to and the majority have now commenced their roles in the organisation.

Recruitment to the Strategic Inspectors and Team Leader roles is progressing. All senior staff are now undertaking a review of their relevant sections and have been asked to submit outline proposals to the Executive Team in early June 2013.

LIST OF APPENDICES

Appendix 1 - Care Inspectorate Representation on Key Scottish Government and Policy Groups