

## **Inquiry into regulation of care for older people**

### **Age Scotland**

Age Scotland welcome the opportunity to comment on the health and sport committee's report on inquiry into the regulation of care for older people and the Scottish Government subsequent response.

#### **Key Messages**

- Age Scotland welcomed the Cabinet Secretary's announcement earlier in the autumn that the care services for older people will receive at least one unannounced inspection each year and that the planned cuts in the number of inspectors will be reversed. This step will help ensure that all care services are operating at the highest standards year round, not just when an inspection is due.
- However we are concerned that where the committee report in Care Regulation states "*the current regulatory system is sufficiently rigorous to identify care services for older people which are failing to deliver high quality care*" that does not provide enough impetus for the Government to introduce further regulation. Given that one in ten care homes are currently ranked as delivering weak or unsatisfactory care, there are clearly a number of measure that could be taken to improve the care system for older people.

#### **Context**

The charity welcomed the initial enquiry conducted by the Committee to determine whether the current regulatory regime was sufficient to look after older people who are receiving statutory care services. Our previous written and oral evidence to the committee focused on a number of key areas which we felt were pivotal in addressing the issue of whether the regulatory regime is adequate in particular:

- The frequency of inspections
- The number of themes inspected at each visit
- Funding available to Inspectors
- Type of Inspection
- Engagement with service users

This response will examine the committee report and the Governments response in these key areas.

#### **The Frequency of Inspections**

Age Scotland noted that in its initial response to the Committee that the maximum frequency of 24 months between inspection for a well performing care home had the potential to allow complacency and bad practice establish at previously "well run" care homes. The example of Elsie Inglis is well know but worth repeating here. In October 2010, the Elsie Inglis nursing home

received a good rating in the category of quality of care and support and, had complaints not been received, the home might not have been inspected again until October 2012. In April 2011 Elsie Inglis nursing home was closed with SCSWIS reporting it had "very serious concerns about the quality of care" at the home.

The Scottish Government announcement of an increase in the frequency of inspections for care homes and personal care and support services is particularly welcome. That all care services will be subject to at least one unannounced inspection per year will help reassure service users and families about the rigour of the inspection process and give confidence that where a service is not fully meeting the needs of older people that the Regulator will issue recommendations and where necessary requirements. The charity welcome the fact that as of February 2012 these regulations are already in place and that one unannounced inspection will be the **minimum** frequency for visits. It is appropriate for the Inspectorate to retain the power to inspect more often as a result of any intelligence triggers.

### **The number of themes inspected at each visit**

Age Scotland note the commitment made by the Care Inspectorate that it will conduct inspections against a minimum of two quality themes, increasing to four for any poorer-performing service.

Previously an inspection of a service with a low risk assessment score, and grades of 4 or more, may have only had one theme examined, therefore, a holistic picture of the practice within every individual care home is not delivered on each inspection and could, as a consequence, misrepresent the quality of care delivered by the home in the official report.

However Age Scotland believe that **each quality theme** must be robustly assessed as part of a coherent 'whole-care service' review whenever an inspection is conducted. In our previous submission we highlighted an example of a care home where regulators chose not to assess a particular theme, despite the care home having received poor ratings in two of the four assessment categories in a previous inspection only 2 months previous. We feel the regulator must no longer have the option of cherry-picking which themes to investigate, but have a standardised model, consistent across the whole of Scotland. However the charity recognise the Care Inspectorate is currently assessing where efficiency savings can be made and resources can be re-directed into inspecting across all four quality themes for all care services and we look forward to hearing progress on this issue later this year.

### **Funding available to Inspectors**

Age Scotland was concerned that the proposal for the Inspectorate to make savings of 25% over the next four years, starting with a 7.6% reduction in 2011-12<sup>i</sup> would lead to a less thorough inspection process, where services are inspected less frequently and across fewer themes. Therefore the charity welcomed the announcement from the Cabinet Secretary on September 15<sup>th</sup>

that *“the budget that will be set for the Care Inspectorate will enable the organisation to deliver more frequent inspections... and maintain its current overall staffing capacity.”* In particular we welcome the news that the Inspectorate has increased its recruitment of appropriately qualified staff in anticipation of the increased inspection frequency from February 2012.

### **Type of Inspection**

Given the concerns about inspection robustness (which has prompted the Committee’s investigation into this area), Age Scotland believe that all inspections should be unannounced to ensure a more accurate assessment of the home. Only with unannounced inspections can the regulator ensure they are getting an accurate report of the quality of care and the standard of day-to-day care being delivered to service users. Subsequently we are pleased that the Government announced that at least one unannounced inspection per year will be made by regulators and more if concern are raised at inspection or from service users, staff or families throughout the year.

### **Engagement with Service Users**

In our initial response to the Committee’s enquiry we called for engagement with service users to be mandatory. The charity noted that residents’ views on how they feel about living in a care home must be compiled if actionable lessons are to be learned. Residents’ emotional care and stimulation, not just their physical care, should be explored as part of the inspection process. Service users must also feel confident they can confidently speak to regulators about any failing care standard without fear of reprisal.

We share the Committee’s conclusions that “comments and complaints from service users, their relatives and carers can help to drive improvements in a care service... and all service providers should actively encourage feedback in order to support a culture of improvement and development within their organisations.”

The charity recognises that The Public Services Reform (Scotland) Act imposes a duty on the Care Inspectorate to involve “users of scrutinised services in the design and delivery of scrutiny functions in relation to those services and the governance of the listed scrutiny authorities”. Further we welcome the report from the Scottish Government about the action the regulator is taking to ensure that appropriately engages with service users are we look forward to seeing further progress made in this area over the coming year. Age Scotland believe a necessary, but not sufficient requirement, is that any inspection must involve direct engagement with users as a mandatory requirement.

Age Scotland

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<sup>i</sup> SCSWIS Corporate Plan 2011-2014