



## Chief Executive's Report

**Report to:** Board  
**Date:** 14 June 2012  
**Report by:** Annette Bruton, Chief Executive  
**Report No:** B-07-2012  
**Agenda Item:** 11

### **PURPOSE OF REPORT**

This report provides an update on key developments since the March 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	May 12
	Legal Services	Executive Team	Contributed to report	May 12
	Resources Directorate	Executive Team	Contributed to report	May 12
	Committee Consultation (where appropriate)			
	Partnership Forum Consultation (where appropriate)			
<b>Equality Impact Assessment</b>				
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 <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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: 31 May 2012	

## **1.0 INTRODUCTION**

This report provides Board members with an update on key developments for the Care Inspectorate since the last report in March 2012, which are not covered in detail within the Quarter 4 performance report submitted to the Strategy and Regulation Committee in May 2012.

## **2.0 INSPECTION AND REGULATION**

Quarter 4 is an extremely busy time for regulated care service level Inspectors. In addition to completing their annual schedule of inspections, inspectors are also planning and preparing for next year's inspections and priorities. Additional time pressures were experienced this year as staff also had to complete a new risk tool (RAD) for every service because the information from the predecessor risk tool (RSA) could not be pre-populated into the RADs as anticipated. This work is critical as having an up to date picture of risk is essential to inform the inspection planning process and priorities.

### **2.1 South**

Since March we have completed a further three inspections of local authority social work services in the South area. At the request of the local authorities we have agreed to a slight further delay until they have established their new committees following the recent local council elections. A fourth inspection is underway. This is among the last four of the 32 inspections of social work services in the current programme.

The Care Inspectorate completed all its inspections of services to protect children in the South area prior to March.

A small percentage (0.9%) of the inspections for the year 2011-12 were not completed. This was for a variety of reasons (including the need to fit with Education Scotland's timetable of inspections of day care and residential provision for children, non-availability of childminders, and staff illness).

Quarter 1 inspections of poorly performing services are well underway.

### **2.2 Central and West**

Central and West area fully met and indeed exceeded their 2011/12 inspection target for regulated care services (107%). The additional 7% of inspections were carried out in poorly performing services and services where the risk level increased throughout the year. Poorly performing and high risk services accounted for additional inspections being carried out over and above those planned at the start of the year.

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**Strategic Scrutiny:**

Local authority scrutiny activity has taken place as planned. The Stirling Council post ISLA scrutiny was undertaken in February 2012. The report is was published in May 2012. The post ISLA scrutiny in East Renfrewshire Council was published in March 2012.

The report on the findings of the joint inspection of services to protect children and young people in West Dunbartonshire Council was published in March 2012.

The report noted the very good performance in this aspect of the Council's service delivery. The need to strengthen joint self-evaluation was noted as an area for improvement.

**2.3 North & East**

All planned inspections were completed for 2011/12 as per the agreed Inspection Plan. Poorly performing and high risk services accounted for additional inspections being carried out over and above those planned at the start of the year. In addition inspection staff undertook significant enforcement activity across both areas to protect vulnerable people using services and drive up improvement to the quality of care.

Quarter 1 inspections are underway with a focus on poorly performing or high risk services. This includes a continued focus on services where inspectors identified concerns during 2011/12.

**Strategic Scrutiny:**

All scheduled ISLAs and child protection inspections and reports were completed as at 31 March 2012. Work is underway on testing aspects of the new scrutiny model for joint inspection of services for children within a development test site (Angus Council area). This will conclude in late June 2012 and a lessons learned exercise will be undertaken to refine and finalise the new scrutiny model.

**2.4 Complaints**

The fourth quarterly performance report for 2011-12 includes detailed performance information about how the complaints team performed against Corporate KPIs. A good performance in the first 3 quarters of 2011-12 has been sustained.

Important changes are in hand in respect of introducing a new complaints procedure for the Care Inspectorate. On 9 May 2012 the Strategy and Performance Committee discussed the recommendations for changes to the Care Inspectorate complaints procedure. Although the Committee approved the recommendations, the Chair identified the need for absolute clarity with regard to the introduction of an error response process for providers. It was agreed that a clear explanation of the purpose of the error response process was essential and requested that a draft of the proposed wording was sent to all Board members.

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Staff from the office of the Scottish Public Services Ombudsman (SPSO) delivered three separate training events to Complaint Inspectors during March. The training focussed on interviewing during investigations, the SPSO's recommended use of apology where it is appropriate and dealing with difficult behaviours from complainants. The feedback from our staff following these events was very positive and the National Complaints Team (NCT) intends to adapt the learning from the events into the operational practice guidance to support the new complaints procedure.

During the 2011/12 business year the SPSO advised the Care Inspectorate of the outcome of five enquiries/investigations which they had dealt with which had concerned the organisation. None of the matters raised with the SPSO by complainants were upheld.

### 2.5 Registration

The registration team continues to make a positive impact on improving outcomes for users of registered care services through its registration and variation activity. For example, registrations resulting from the collapse of national providers, such as Argus Care, and changes of legal entity have provided the opportunity to raise standards of care through the imposition of conditions. The national team is also carrying out an important role enhancing consistency of regulatory practice by developing policies and procedures. For example, a policy on dispersed services and peripatetic management is being finalised and a procedure on illegal services implemented. The Registration Manager is currently drafting a paper regarding single rooms in care homes for adults.

The registration and variation function plays an important role in protecting service users from unsuitable new services or changes to existing services. A recent analysis identified that the rate of refusals of variation applications and childminding registration applications has increased compared to the Care Commission. While this has increased the work of the registration team, it is having a significant impact on setting a benchmark of acceptable standards of care.

The registration team has continued to deal efficiently with registrations against the KPIs that childminding registrations are completed within three months and non-childminding within six months, unless the reasons for delay are outwith our control. For example, in 2011/12, 87% of childminding registrations completed within three months and 90% of registrations of other service types completed within six months.

During 2011/12 the registration team had received 3,843 variations. 2,329 of the 3,843 variations received have been completed, with 1,124 variations in progress and 390 withdrawn. At 31 March 2012, 85% of childminder variations and 84% of other service type variations had been completed within three months, an internal target set by the registration team in October 2011. The Care Commission did not report on variation activity.

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**3.0 DEVELOPMENT WORK**

**3.1 Intelligence and Risk**

The intelligence and risk project groups have concluded their work and the final draft intelligence and risk frameworks (earlier drafts of which have already been shared with the Board at a development day and the Strategy and Performance Committee) are before the Board today along with a three year improvement plan and a detailed action plan for 2012-13.

This is a substantial programme of work for the Care Inspectorate in going forward which will lead to significant improvement in the way the Care Inspectorate handles its current information but it will require cross organisational support to deliver.

**3.2 Updating Methodology**

In addition the Care Inspectorate has recently undertaken important work to review and update its inspection procedure for regulated care services along with other supporting guidance. This includes the inspection report writing guidance and the development of the frequency and intensity guidance for inspectors.

The Executive Team has agreed that all guidance documents for staff and providers need to be reviewed and updated and a plan will be developed to progress this

The pre-inspection checklist to support the consistent preparation of information prior to the inspection of regulated care services has been introduced. We will monitor the impact of the introduction of this.

We have developed recording mechanisms to be included within our ICT system to measure how additional service user engagement time has been used.

The Intelligence team has prepared a sample of an additional 10% of better performing services which has been placed into the Workload Management Tool (WMT) and inspectors advised of the services which require a statutory inspection during 2012/13.

**3.3 Quality Assurance**

The Strategy and Performance Committee on 9 May 2012 received and approved a number of recommendations in respect of developing quality assurance within the Care Inspectorate.

Staff within the Care Inspectorate are committed to quality assuring their work and a number of activities and meetings are devoted to that work. We now need to ensure that this is evaluated more rigorously and we need to be more confident that this effort is achieving the required improvement.

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The Complaints and Quality Assurance Manager is now developing an action plan which will propose improvements to current quality assurance processes at a number of levels. This will come back to the Care Inspectorate Quality Assurance Group (QAG) and Executive Team in the near future.

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

A draft methodology and quality indicator (QI) framework has been developed and is currently being tested within the Angus Council area. A lessons learned exercise will be conducted to refine the methodology and QI framework for stakeholder consultation during early summer. Briefings will also be held with all community planning partnership clusters to ensure all partners are aware of the framework on which our scrutiny judgements will be made. The joint inspection of services scheduled in one Local Authority area for quarter 2 2012/13 is to be rescheduled to quarter 4 2012/13. This is because the Local Authority concerned advised the Care Inspectorate that they will be relocating the whole Local Authority office at the time of inspection. Rescheduling will also enable a more thorough lessons learned exercise to be undertaken following development test site feedback. Resources will be reprioritised for quarter 4 2012/13.

## **4.0 STRATEGIC ISSUES**

### **4.1 Call for Review of Child Protection**

Opposition parties have called for a review of child protection in Scotland following the tragic death of a child and publication of the Renfrewshire Significant Case Review (SCR). The Care Inspectorate is currently conducting scrutiny of the Renfrewshire SCR and a public report will be issued on our findings in summer 2012. The Care Inspectorate advised Scottish Government that it intends to publish a final report on its child protection findings from 2009 – 2012 in Autumn 2012. The purpose of the report is to provide evidence on the quality of child protection practices across Scotland; provide examples of good practice; identify where delivery partners need to address risk; and, highlight where improvements are required so that all parties involved in child protection continue to target resources to improve the life chances, health, safety and well-being of children and young people in Scotland.

### **4.2 Consultation on New Children and Young People Bill**

The Scottish Government has announced plans for new legislation to help make Scotland the best place for children to grow up. The new Children and Young People Bill will be introduced to Parliament next year, paving the way for fundamental reforms to the ways in which children and their families are supported through, for example, embedding key elements of the Getting it Right for Every Child approach in law. The Care Inspectorate Director of Operations (Planning, Assurance and Public Reporting) will be responding to this and has recently been invited to serve on the Early Years Taskforce Group who are taking forward aspects of the Bill.

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**4.3 Update on Health and Social Care Bill and Self Directed Support Bill**

The Care Inspectorate has been invited to serve on the Bill Advisory Group for the integration of health and social care. The Chief Executive now sits on this group as does the Chief Executive of Healthcare Improvement Scotland (HIS). The Care Inspectorate is also represented at the Delivery Group and on relevant subgroups. Public consultation is currently being carried out by Scottish Government. This will conclude in July 2012.

The Chair and the Operational Director with responsibility for older people's services attended the Parliament and gave evidence to the Health and Sport Committee on Care Inspectorate views on proposals on self-directed support.

**5.0 LEGAL AND ENFORCEMENT ISSUES**

**5.1 'Erskine Bridge' Fatal Accident Inquiry**

The sheriff's determination in this Fatal Accident Inquiry was issued on 1 May 2012. A number of parties were criticised, notably the Good Shepherd Centre and placing local authorities. Adverse comment regarding the Care Commission was limited in its extent. The sheriff was critical of regulations relating to care service staffing which she regarded as imprecise. A summary of the key issues arising from the sheriff's determination has been prepared and can be made available to members. The sheriff's determination can be accessed in full at: <http://www.scotcourts.gov.uk/opinions/2012FAI28.html>.

**5.2 'All Stars' Appeal (Davies & Mowat – v- Care Commission)**

Preparations for the Appeal hearing before the Supreme Court are continuing – but it is likely to be a number of months before the hearing itself takes place.

**5.3 Care Inspectorate –v- Moore House School Ltd**

This (the first application for 'emergency' cancellation of registration under s65 of the Public Services Reform (Scotland) Act 2010) has been concluded. Interim suspension of registration was refused (the sheriff not having accepted that any person was at serious risk to their life, health or well-being) and thereafter an Improvement Notice issued seeking to protect children using the service, pending a full hearing. The Improvement Notice was complied with and the application was ultimately not proceeded with. Expenses were awarded against the Care Inspectorate.

**5.4 The Rowan Tree Nursery Ltd –v- Care Inspectorate**

This was an appeal against cancellation of the registration of a nursery. The nursery did not proceed with its appeal and has closed.

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**5.5 Happitots Day Nurseries Ltd –v- Care Inspectorate**

This was an application in the Court of Session for interdict and **interim** interdict seeking to prevent the Care Inspectorate publishing an inspection report which contained gradings with which the provider of the service disagreed. No hearing

ultimately took place, the matter having been resolved following a meeting between the Director of Operations (Planning, Assurance & Public Reporting), Head of Legal Services, inspection colleagues and the service provider.

**6.0 COMMUNICATIONS AND PUBLIC REPORTING**

**6.1 Publication of Erskine Bridge FAI Findings**

Most national media outlets reported on the FAI findings on the tragic deaths of two young girls at Erskine Bridge. The Care Inspectorate did not provide any significant comment on the findings rather noting it would reflect on the findings and implement any necessary changes to practice if required.

**6.2** Other recent media activity has focussed on ad-hoc enquiries about localised services and their inspection reports.

**7.0 LIAISON WITH SCOTTISH GOVERNMENT**

The Director of Operations (Intelligence & Complaints) and the Inspection Programme Manager (South) met with the Government's Community Justice Division and its police division to clarify Ministerial priorities for scrutiny of criminal justice social work social work services. As a result it seems evident that these services will not become a priority for additional focused scrutiny by 2013-14 at the earliest.

In the interim these services will continue to be scrutinised along with other local authority social work services as part of a programme of such inspections.

**8.0 RESOURCES**

**8.1 Staff Recruitment**

The inspector recruitment exercise is progressing well. As at 21 May 2012, a total of 35 of the planned 40 Inspector recruitments have either started or have an agreed starting date during quarter 1. A further recruitment exercise is ongoing with assessments planned for late May/early June with the aim of recruiting the required numbers and also having a reserve list. Our policy on recruitment is currently under review.

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## **8.2 Pay Remit 2012-13**

The Pay Remit process for 2012-13 is now complete as we have received notification that our pay remit has been approved. If the negotiation phase with the Partnership Forum is straightforward, there is the potential for the 2012-13 Pay Remit to be implemented with the July pay run.

## **8.3 Learning and Development**

The RoCA award ceremony for Cohort 7 was held on 24 April 2012. The awards were presented by the Deputy First Minister, Nicola Sturgeon.

For the first time a National Admin Development Day was held on 27 April 2012. Over 120 staff attended and the event received a very positive evaluation.

Staff induction is underway for our new Inspectors. This is a six month programme combining 'on the job' learning and specific training programmes.

We have now set-up inspection shadowing activities for the majority of Board members.

## **8.4 Financial System Upgrade**

As part of a Scottish Government-led project, we have successfully upgraded our financial accounting system. This brings us improved income and debt management facilities and means the system is technically supported going forward.

## **8.5 Annual Accounts 2011-12**

Preparation of the Annual Accounts for 2011-12 is underway and progressing to plan. The accounts will be ready for external Audit by 29 June 2012.

## **8.6 Procurement Capability Assessment (PCA)**

We have received a very positive PCA from the Scottish Government. Procurement is a significant element of the Scottish Government's Efficient Government Agenda and this report highlights a significant overall improvement, particularly in respect of contract and supplier management.

## **9.0 BENEFITS FOR PEOPLE WHO USE SERVICES AND THEIR CARERS**

All actions taken by the Care Inspectorate are based on our duty of user focus, with the fundamental aim of providing benefits for people who use services and their carers.

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- 10.0** The Board asked for information on the range and scope of work being undertaken by Care Inspectorate staff on working group nationally. A report on representation on key national work is attached as an Appendix. Care Inspectorate staff contribute to a much wider set of tasks and groups however, those set out in the appendix represent our strategic national work. This allocation of time will be kept under review to assess both impact and value for money.

**LIST OF APPENDICES**

**Appendix 1 -** Representation on External Groups