

## APPENDIX 1

### CARE HOMES IN SPECIAL MEASURES (EXECUTIVE SAFEGUARDING ARRANGEMENTS) TASK AND FINISH GROUP

2.00pm – Tuesday, 8 November 2022

Via Microsoft Teams

**PRESENT** – Councillor Donoghue (in the Chair); Councillors Mrs. Culley, Curry, Holroyd, Layton and A. J. Scott.

**OFFICERS IN ATTENDANCE** – Sukhdev Dosanjh, Head of Service, Kevin Kelly, Head of Learning Disability and Mental Health, Amanda Hugill, Safeguarding Partnership Business Manager and Paul Dalton, Elections Officer (Democratic Services).

The following issues were discussed:-

- It was agreed that this Task and Finish Group would be chaired by Councillor Donoghue.
- The Head of Learning Disability and Mental Health provided some background information to those cases where 'Executive Strategy Meetings' (Special Measures) had been put in place. Members were informed that between January 2016 and December 2019, **four** Homes / Private Hospitals had been placed in Special Measures, however between December 2019 and November 2022, **ten** Homes / Private Hospitals were placed in Special Measures, the majority of which were Care Homes for Older People.
- Members were informed that recent cases included Willow Green Care Home (which had been placed in Special Measures one week ago); Middleton Lodge (the Executive Strategy Meeting was taking place the following day to this meeting); and Alviston House (the Executive Strategy Meeting was taking place the following week).
- Members noted the increase from four cases between 2016 and 2019, to ten cases in a similar time period between 2019 and 2022. Reasons for the increase included improved intelligence, a greater gathering and sharing of information, and greater interaction and more meetings between safeguarding partners from 2019 onwards. Members were informed that the Adult Critical Partnership Group was one of the primary mechanisms for sharing information and intelligence, with the group flagging up those cases which had potential for Special Measures, or where a Home / Private Hospital had reached the threshold.
- It was highlighted that the increased partnership working provided many more early indications – again, another reason for the increased cases.
- Another reason for the increase was attributed to the cumulative pressures in the provider market, which included staff recruitment and retention, management

oversight, agency availability, complexity of need, running costs and the impact of Covid. This was not an exhaustive list, however indicated that the provider market was struggling.

- Councillor Layton thanked Officers for their feedback, and acknowledged the challenges faced by the provided market. Councillor Layton also acknowledged the issues in relation to the use of agency staff, recognising that many agency staff won't do extras, stay behind, lack understanding, and causes breaks in the continuity of care. Councillor Layton was hopeful that this would be an understanding and supportive piece of work.
- Councillor Donoghue stated that there was no mention of training in the Head of Learning Disability and Mental Health's opening remarks, however it was stated that the reasons provided were not an exhaustive list.
- The Head of Service highlighted that when a Care Home does come out of Special Measures, areas of sustained improvement continue to be monitored, and the Head of Service confirmed that if a Darlington resident was in a Care Home elsewhere in the North-East (within an authority's area), then the Council would get involved to safeguard our placement.
- Councillor A. J. Scott felt that it would be useful to revisit Members safeguarding training, and sought greater clarification of the difference between Council-owned Care Homes and Private Homes, and how we manage that. Councillor Scott also stated that he felt communication was an issue, as Members generally didn't hear about a Care Home in Special Measures until it appeared in the Press. Councillor Scott suggested that it might be useful if 'Care Homes in Special Measures' was an Agenda Item for each Ordinary Meeting of the Committee.
- The Head of Learning Disability and Mental Health highlighted that the increase in cases had had a huge impact on resources and Officers time, stating that the development of an Action Plan, the exchange of information with the CQC, and the increased Monitoring Visits represented a significant piece of work.
- The Safeguarding Partnership Business Manager stated that the Safeguarding Partnership offered safeguarding training to which Members were welcome to access, or undertake as part of their induction.
- The Head of Service highlighted that there was a strong health involvement, with a multi-agency approach, and the regulator (CQC) involved. Members were asked whether there was a particular aspect that they wished to focus on.
- The Safeguarding Partnership Business Manager stated that the Safeguarding Partnership did provide an update via the Portfolio Holder's Council report, and reiterated that the Safeguarding Partnership retained oversight and took key areas forward.

- Councillor Curry expressed the view that Safeguarding Training was imperative. It was noted that there would be mandatory training following the Local Elections in May 2023.
- Councillor Holroyd enquired whether it was always a safeguarding reason as to why a home would be placed in Special Measures. The Head of Learning Disability and Mental Health explained that it would usually be safeguarding concerns, however it could be timeframe, quality of response received, attendance at strategy meetings, CQC inspection or intelligence from Health colleagues – intelligence is pieced together to provide a cumulative view.
- The Head of Learning Disability and Mental Health highlighted the difference between organisational abuse (usually none deliberate, organisational failings) and deliberate abuse (by individual). It was correct that the Care Home / Private Hospital should be held to account, however the role of safeguarding professionals is also to provide support.
- Councillor A. J. Scott requested more information about the CQC and their role, and wondered whether they would attend and provide training on their role. The Head of Learning Disability and Mental Health stated that they viewed themselves as the regulator and would be surprised if they would attend.
- Councillor Mrs. Culley enquired how any work would be undertaken with the Health and Housing Scrutiny Committee, whether any of the identified ten cases in the last three years were based outside of Darlington (none were), and who decides whether a Care Home or Private Hospital goes into Special Measures. Councillor Mrs. Culley was informed that decisions are made as part of the Darlington Safeguarding Partnership arrangements, with procedures to follow, culminating in the Heads of Service making a recommendation to Assistant Directors seeking permission to instigate an Executive Strategy Meeting.
- The Head of Service advised that, in response to Councillor A. J. Scott's request, he would be willing to approach the CQC with a view to asking that they attend a Scrutiny Committee meeting to provide a presentation on their processes.
- Councillor Curry stated that in her experience Care Homes on decline have brought in a new manager to lead the ship. Councillor Donoghue echoed his earlier point that training was important. The Safeguarding Partnership Business Manager highlighted that training was reflected in the Action Plan, and that the Darlington Safeguarding Partnership do deliver training sessions when requested, however the requirement is on homes.
- The Head of Learning Disability and Mental Health stated that as part of their contract providers are expected to ensure that the training matrix is up to date, and this is checked during monitoring meetings to ensure compliance. Councillor

Donoghue was keen to ensure that there was a written record (evidence) of training, and the Head of Service reassured Members that records were kept, and this also included induction plans, fire evacuation procedures, supervision notes, etc.

- Councillor Layton enquired how the training for agency staff was monitored, and whether all agency staff were compliant. The Head of Learning Disability and Mental Health stated that the commissioner had a responsibility to ensure that the agency that they were commissioning from was fully compliant, and that the agency was CQC registered. The Head of Service highlighted that it was not for the Council to check or dictate terms to agency staff – it was the responsibility of the agency to ensure that their staff's particulars (DBS Checks, etc.) were all in order.
- Councillor Holroyd expressed concern that carers and care staff were not stimulating residents, and suggested that care was not just about safety, but also about stimulating residents. The Head of Service agreed, stating that care was also about well-being – not just warehousing people, but providing stimulating and progressive activity. The Head of Learning Disability and Mental Health highlighted that Activities Co-ordinators do work in Care Homes to engage residents, and that care plans are monitored to ensure that they remain person-centred.
- Councillor Curry cautioned that residents shouldn't be forced to feel part of a wider community.
- Councillor A. J. Scott stated that he was satisfied with the information provided during the meeting, however reiterated that it was important to continue to have oversight, and receive regular updates.
- Discussion ensued on the scope of the reports that would come to Scrutiny, and the mechanisms by which appropriate confidential information could be received by the Scrutiny Committee. Councillor Layton supported the proposal for a presentation from the CQC on their role.

**IT WAS AGREED** – (a) That the Adults Scrutiny Committee receive a six-monthly report on those Homes in Special Measures.

(b) That the CQC be approached with a view that representatives attend a future meeting of the Committee and provide a presentation on the role of the CQC and respond to questions from Members.