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17 April 2015

Dear Mr Mehmet

**Formal written notice issued under the Commissioner for Older People (Wales) Act 2006: Additional Information Required**

I would like to take this opportunity to thank you again for providing a timely response to my Requirements for Action, which were published alongside the findings of my Care Home Review.

I have now had an opportunity to review all of the responses from the bodies subject to my Review and I enclose my evaluation of your response.

If you raised specific questions with me about my Requirements for Action, please find attached my response to these.

In analysing the responses received, I was looking for assurance, through the information provided and action in hand or planned, that my Requirements for Action will be implemented and the intended outcome will be delivered.

As you will see from my analysis, I have clearly set out whether each element of your response is 'acceptable', 'partial' (further information needed) or 'unacceptable'. Acceptable means that my assurance levels based in the information provided are sufficient, partial and unacceptable means that I require further information to be assured that the

Requirement for Action will be implemented and its intended outcome delivered.

Where I have concluded that an element of your response is either partial or unacceptable, I require further information or a revised approach in order to be satisfied that your organisation is already complying with the Requirement for Action or is committed to taking the action necessary to deliver the required change. This information should be provided to me by **Friday 15 May 2015**, in line with the timescales specified in the Commissioner for Older People (Wales) Act 2006. If you are unclear about any aspect of your response, in particular what would provide the level of assurance that I am looking for, or have any detailed questions regarding the Requirements for Action, you are welcome to contact me.

I am obliged by the Commissioner for Older People (Wales) Act 2006 to keep a register of responses to my Requirements for Action and therefore all of the responses from the bodies subject to my Review will be published on my website together with the analysis of each response. I will also be publishing an overall commentary on whether I consider, based on the further information I receive, that the change I expect to see on behalf of older people will be delivered. In addition to this information being published on my website, I will also be making a formal public statement, both in respect of an overview of action underway and action intended by individual bodies subject to the Review.

If you require any further information, please contact my Director of Wellbeing and Empowerment, Daisy Cole, on 08442 640670.

Yours sincerely



**Sarah Rochira**  
**Older People's Commissioner for Wales**

## Denbighshire County Council

### Requirement for Action 1.6

#### Initial Conclusion - Partial

1.6 Older people are offered independent advocacy in the following circumstances:

- when an older person is at risk of, or experiencing, physical, emotional, financial or sexual abuse.
- when a care home is closing or an older person is moving because their care needs have changed.
- when an older person needs support to help them leave hospital.

For those with fluctuating capacity or communication difficulties, this should be non-instructed advocacy.

When a care home is in escalating concerns, residents must have access to non-instructed advocacy.

The Local Authority's response to this requirement appears to demonstrate an understanding of the importance of advocacy. With regard to training, the response refers to Age Connects who proactively go into care homes in the county and carry out awareness training with staff to encourage understanding of advocacy. The response could be improved if the Local Authority could clarify if this refers to all care homes in the county or only those run by the Local Authority.

The response states that IMCAs/advocates are always involved in care home closure meetings from the start. The Local Authority also states that its care homes have arranged advocacy for residents through Age Connects.

However, the response does not address a number of key points of the Commissioner's requirements, for example, to POVA or directly moving from hospital to a care home.

The response also indicates that currently, Welcome Packs and home brochures do not include information on advocacy. Whilst the Local Authority acknowledges this shortfall and indicates that it will be addressed, no timeline is provided.

## **Requirement for Action 2.2**

### **Initial Conclusion - Partial**

2.2 Older people in care homes have access to specialist services and, where appropriate, multidisciplinary care that is designed to support rehabilitation after a period of ill health.

The Local Authority's response to this requirement appears to demonstrate a willingness to comply with the Commissioner's Requirement. The response states that the Local Authority will work with health colleagues to ensure that specialist and rehabilitation work is accessible in care homes; however, the response could be improved through a timeline and named accountable individual.

However, the response indicates that current practice for Reviewing Officers is to ensure that residents have access to physiotherapists and occupational therapists and other specialist services when carrying out reviews. Reassurances are needed about how residents will be supported to access a full and available range of specialist services.

## **Requirement for Action 3.2**

### **Initial Conclusion - Partial**

3.2 All care home employees undertake basic dementia training as part of their induction and all care staff and care home managers undertake further dementia training on an on-going basis as part of their skills and

competency development, with this a specific element of supervision and performance assessment.

The Local Authority response acknowledges the need for this requirement and states that in the meantime, it will monitor where dementia training is already taking place.

The Local Authority states that Contracts and Reviewing teams have already undertaken dementia training to try and understand the needs of residents with dementia. It goes on to state that staff and managers in Local Authority homes have undertaken dementia training; however, the response acknowledges that more specific training is needed. There is no indication, however, how this will be addressed and there are no indications of timelines.

### **Requirement for Action 3.3**

#### **Initial Conclusion – Partial**

3.3 Active steps should be taken to encourage the use of befriending schemes within care homes, including intergenerational projects, and support residents to retain existing friendships. This must include ensuring continued access to faith based support and to specific cultural communities.

The Local Authority's response to this requirement appears to demonstrate some understanding of the importance of befriending, stating that it will immediately begin having Reviewing Officers encourage care homes to make better use of voluntary organisations to support the implementation of this requirement.

The response states that its single Point of Access (SPoA) includes a Voluntary Organisation coordinator. It is welcome that Reviewing Officers are using this resource to help care homes find appropriate additional

support for residents. In addition, the Local Authority commissions a service called “Speak UP” from Age Connects which encourages residents to speak for themselves via regular meetings in the care home. The local Authority states this has already resulted in a number of new friendships being made. This demonstrates an outcome for older people in-line with the requirement.

The Local Authority states that its own homes encourage residents to maintain friendships and that church services are organised in care homes. Arrangements are also made for residents wishing to attend services away from the home.

Whilst this is welcome, further work is needed to ensure that befriending is addressed more widely to meet circumstances of all residents. In addition, the response could be improved through evidence of an implementation plan and a named accountable officer to ensure that the Local Authority is able to achieve the requirement in reality.

## **Requirement for Action 5.6**

### **Initial Conclusion – Acceptable**

5.6 A National Improvement Service is established to improve care homes where Local Authorities, Health Boards and CSSIW have identified significant and/or on-going risk factors concerning the quality of life or care provided to residents and/or potential breaches of their human rights.

The national improvement team should utilise the skills of experienced Care Home Managers, as well as other practitioners, to provide intensive and transformational support to drive up the standards of quality of life and care for residents as well as to prevent and mitigate future safeguarding risks.

This service should also develop a range of resources and training materials to assist care homes that wish to improve in self-development and on-going improvement.

The Local Authority's response demonstrates a willingness to work with partners in order to establish a National Improvement Service. However, concerns are raised regarding funding the initial project and on-going support for this service.

## **Requirement for Action 6.2**

### **Initial Conclusion – Partial**

6.2 Care home providers, commissioners and CSSIW should develop informal and systematic ways in which to ensure they better understand the quality of life of older people, through listening to them directly (outside of formal complaints) and ensuring issues they raise are acted upon.

Annual reporting should be undertaken of how on-going feedback from older people has been used to drive continuous improvement (see action 6.10).

The Local Authority's response to this requirement appears to demonstrate some understanding of the importance of listening to the voices of older people and ensuring that the issues raised are acted upon.

The response indicates that the Local Authority has already established a process of collecting residents' feedback with their Customer Connections Team. However, there is no explanation of how this works.

The Local Authority also states that it commissions Age Connects to provide the "Speak Up" project which collects residents' views on services received. However, the response does not state how this information is used to improve services.

The response states that Reviewing Officers collect the views of residents during care home reviews; however, there is no clear indication as to how this information is used to improve services.

The response explains that Local Authority run homes carry out quality assurance reviews with residents and their families on an annual basis which feeds into continuous and on-going improvements to services. A practical example would further clarify this response.

The response could be improved through a clear statement about outcomes for older people's quality of life through listening and acting. Without this evidence and analysis and without a timeline and accountable named officer, it is unclear how the local Authority will achieve this Requirement in reality.

## **Requirement for Action 6.7**

### **Initial Conclusion – Partial**

6.7 Annual Quality Statements are published by the Director of Social Services in respect of the quality of life and care of older people living in commissioned and Local Authority run care homes. This should include:

- the availability of Independent Advocacy in care homes
- quality of life and care of older people, including specific reference to older people living with dementia and/or sensory loss
- how the human rights of older people are upheld in care homes across the Local Authority
- the views of older people, advocates and lay assessors about the quality of life and care provided in care homes
- geographic location of care homes

Further details of reporting requirements should be included as part of the Regulation and Inspection Bill.

Whilst the Local Authority's response appears to agree with the Commissioner's requirement for action, it raises concerns about how Quality of Life will be measured. The response also asks questions about



how Human Rights will be upheld and, more importantly, how this will be measured.

The response argues that any new process will need to be clear and not based on subjective analysis, and that all Local Authorities report accordingly. These are important issues, which should be clarified in the Regulations and Inspection of Social Care (Wales) Bill.

While it is acknowledged that the Local Authority have articulated reservations, a clearer indication of a willingness to comply with the Requirement for Action and a clear action plan and timeline for developing and producing Annual Quality statements would strengthen this response. Any questions about this should be raised directly with the Commissioner's Office.

## **Appendix 1:**

### **Denbighshire County Council, questions raised**

#### **Requirement for Action 2.4**

Question:

“Whilst we agree entirely with the requirement, we are concerned about the potential cost impact. Whilst it is aimed at new homes only, there would doubtless be impact across whole sector. Unless existing homes were to implement to similar standard, there would be a two tier effect. So ultimately, one would hope to see this standard in all care homes. Either way, there is a cost impact to the homes and therefore to the Local Authority and Health Authorities who buy the services.”

This question has been interpreted as relating to the cost impact, and implementation of national best practice guidance about the care home environment and aids to daily living.

It is the Commissioner’s expectation that Welsh Government will lead on the development of such best practice guidance, in conjunction with relevant partners where appropriate. The intention behind this Requirement for Action is to ensure that the environment of care homes, internally and externally, is accessible and dementia and sensory loss supportive.

The Commissioner notes your comments in relation to cost impact, and concerns in relation to ‘a two tier effect’. It is the Commissioner’s view that if this Requirement for Action is not implemented, then older people may be unable to move around the care home safely and independently, increasing personal safety risks, such as falls, and struggle to communicate with each other and staff, leading to isolation and withdrawal. The long term cost impact of this, both in terms of individual

outcomes and the ability of the health and social care services to deliver positive outcomes are likely to be far higher than investing in the proposed early interventions.

It is the Commissioner's view that building this in to the design of new care homes should be cost effective, and would drive forward the necessary improvement across the sector. Existing care homes are not prohibited from implementing this Requirement for Action, thus avoiding a two tier approach.

The Commissioner would encourage your Authority to open a dialogue with Welsh Government, other Authorities, and Health Boards across Wales to discuss the options regarding implementation once the national best practice guidance has been developed.

### **Requirement for Action 5.3**

Question:

“Whilst we agree entirely with the proposal, we are concerned about the immediate impact this would have. It is already very difficult to recruit sufficient staff. Increasing the demands at recruitment may improve perception of job in longer term but is likely to cause a short/medium term recruitment problem.”

This question has been interpreted as relating to the development and implementation of a standard set of mandatory skills and value based competencies for care home staff.

It is the Commissioner's expectation that the Care Council for Wales will lead on the development of this Requirement, in conjunction with relevant partners where appropriate. Without taking such action, the Review

identifies that older people may be cared for by people who do not understand, and are not able to meet their needs.

The Commissioner notes your comments in relation to short to medium term recruitment difficulties. The development of a standard set of skills and value based competencies will clearly identify what is required from the workforce so that older people receive compassionate and dignified care, that responds to them as an individual. It is the Commissioner's view that Local Authorities, Health Boards and care home providers should demonstrate an intent to work towards hiring in line with these standards. To this end, the Commissioner would encourage your Authority to open an early dialogue with other Authorities, and Health Boards across Wales to discuss the options regarding implementation once the standard set has been developed.

### **Requirement for Action 6.7**

Question:

“Whilst we agree with this requirement, we are concerned about how Quality of life is measured and how we measure that human rights are upheld. Process for this needs to be clear as it would otherwise be subjective and all LAs will be reporting on this. Need to agree process in advance of reporting deadline.”

This question has been interpreted as relating to the publication of an Annual Quality Statement by the Director of Social Services.

The Commissioner has clear expectations about the information published by Directors of Social Services in the public domain about how they discharge their duties. Older people need to have access to relevant and meaningful information about the quality of life and care provided by or within individual care homes. It is the Commissioner's view that there is

a need for greater openness and transparency in respect of the quality of care homes across Wales.

The Commissioner recognises that some data may not be readily available; however, this should not inhibit robust and transparent reporting on the quality of life and care of older people living in commissioned and Local Authority run care homes. A lack of transparency undermines older people's ability to make appropriate decisions, wider public confidence and acts as a barrier to systematic change.

The Authority states the need for agreed reporting processes, and a desire to clarify how quality of life, and human rights are measured. It is the Commissioner's expectation that Local Authorities will lead on the development and implementation of this Requirement. Therefore, the Commissioner would encourage your Authority to liaise with all Authorities regarding the reporting process and also specific issues in terms of measurement. Your Authority may wish to raise this with the Association of Directors of Social Services to facilitate action.

### **Requirement for Action 6.10**

Question:

"We have concerns that the number of POVA referrals and complaints are viewed as a negative. In fact, in our experience, it is often the case that the care home providers who report these issues more frequently provide high quality care and these referrals are evidence of the care they take."

This question has been interpreted as relating to the use of POVA referral data.

The Commissioner agrees that a higher number of POVA referrals or complaints are often viewed as negative, when that may not be the case. However, it is the Commissioner's view that the open publication of such data promotes openness and transparency in respect of the delivery of quality of care across Wales.

It is the Commissioner's expectation that care home providers lead on the implementation of this Requirement. In doing so, care home providers would have the opportunity to provide further information on the nuances of POVA referrals and complaints numbers in the body of their report – such as more frequent referrals acting as evidence of the care that a provider takes.