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17 April 2015

Dear Mr Everett

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.

It is clear from your response that you have given this considerable thought and focussed strongly on the outcomes that I am seeking to secure on behalf of older people.

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

Flintshire County Council

Requirement for Action 1.6

Initial Conclusion - Acceptable

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 awareness of the role of advocates and states that Council has a core funding agreement with Age Connects to provide independent advocacy to older people as part of wider contractual requirements. The Local Authority also states that it is reviewing its contractual arrangements.

The response notes that the Local Authority is aware that the sustainability of current advocacy arrangements for people in residential care with health needs is limited.

With regard to the specifics of the Requirement, the local authority states that when a home is closing or in escalating concerns, it allocates a social worker to assist with reassessment and identification of suitable alternative placements. Independent advocacy is also made available in the case of home closures or escalating concerns procedures.

Importantly, shortfalls and sustainability issues are identified and the response provides some detailed proposals to address these. The Local Authority states that it will ensure information on advocacy providers is made available to care home managers and staff and that a mechanism will be implemented to ensure advocacy is embedded in practice with a particular focus on improving advocacy in relation to safeguarding.

The Local Authority will also increase the availability and accessibility of advocacy for people with health care needs within the care home population.

Among other important aspects of the response, the Local Authority also indicates that it will raise awareness with staff for better understanding of the role of independent advocates and to ensure compliance with the Commissioner's requirements.

The response is enhanced by clearly identified areas that need strengthening; this includes addressing the need for advocacy in the safeguarding process. The Local Authority has provided a good action plan with timeline and leads.

Requirement for Action 2.2

Initial Conclusion - Acceptable

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 response to this requirement demonstrates a good understanding of the availability and range of multidisciplinary care services in the county and explains that the local Authority has a flexible approach to the use of re-ablement in residential social care and nursing homes at present.

The Local Authority recognises this may be a more reactive approach; however, the response acknowledges the need to develop a more proactive approach across the board.

The Local Authority response provides a detailed summary of current working practice and demonstrates an understanding of areas in need of strengthening, including in its response a clear plan of action along with timelines and programme leads.

Requirement for Action 3.2

Initial Conclusion - Acceptable

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 to the requirement indicates that staff in Council run care homes have received a range of training regarding dementia and independent sector staff are able to access the training via its voucher scheme.

The response also indicates that commissioned specialist trainers will deliver targeted dementia training including person centred approaches, coping strategies and communication strategies.

The response is detailed and provides good summaries of existing programmes and practices. In addition, the Local Authority identifies shortfalls and gaps and provides in its response a detailed plan of action including an audit of current dementia training and on-going dementia training as part of continuous professional development.

The response demonstrates awareness that current provision could be improved through expanding training opportunities and sets out clear action plans to do this, including the use of mentoring schemes.

Requirement for Action 3.3

Initial Conclusion – Acceptable

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 response to the requirement demonstrates an understanding of befriending and its importance. The response indicates that the Local Authority has a policy for the use of volunteers in its homes and some volunteers are available and varied levels of in-reach from local communities.

The Local Authority response identifies shortfalls in current provision and provides an action plan to address. The proposals set out by the Local Authority include an audit of the current landscape and making contact with the Flintshire Local Voluntary Council to engage more support.

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 provides a comprehensive response to this requirement; however, in short, the response demonstrates a clear commitment to be involved in the proposed National Improvement Service.

Requirement for Action 6.2

Initial Conclusion – Acceptable

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 response to this requirement demonstrates some understanding of the need to capture older people's voices; however, it falls short of focussing on the key element of the RfA which is quality of life.

Council response indicates that its Contracts Monitoring team has established regular open meetings with care providers enabling the Local Authority to develop good working relationships with the market in Flintshire. These meetings share good practice, updates on legislation and provide arenas for open discussion; however, this does not clearly, or specifically articulate how older people's voices are recorded or used.

Although there are references to a number of initiatives such as Contract Monitoring e mail box, questionnaires, residents meetings, independently facilitated events, and rota visits, the response does not clearly spell out how these impact change.

The Local Authority does however outline a number of proposed actions, including developing a page on the Council App for people to give feedback on care homes, an annual report to evidence how feedback from older people has been used, and the recruitment of lay visitors to gather feedback. However, more detail is needed to address these points and also on how they will drive service change and improvement.

Requirement for Action 6.7

Initial Conclusion – Acceptable

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.

The Local Authority's response to this requirement indicates that Registered Managers are expected to comply with CSSIW regulation and produce their own Quality Report annually. The response goes on to say that the local Authority has a Joint Interagency Monitoring Panel which meets quarterly and aims to provide an annual report on the state of the market in Flintshire.

The response demonstrates an understanding of the need for Annual Quality Statements and also a commitment to progress this. An Action Plan is identified and the Local Authority's response also includes a timeline and leads have been identified.