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17 April 2015

Dear Mr Matthews

**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**

## **Monmouthshire 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 indicates in its response that its providers have confirmed that advocacy services are available to residents when safeguarding issues arise; however, the Local Authority does not provide reassurances that advocacy services are made available for any other circumstance.

The response states that there are providers that need to ensure that this availability is made clearer in the literature provided to residents and potential residents. This approach by the Local Authority does not appear proactive and even though advocacy services are available, the fact that providers do not actively offer services or encourage their use is of concern.

The Local Authority in part addresses the main points of the Requirements; however, the response does not completely demonstrate

an understanding of advocacy in its widest sense. Whilst there is an understanding of different types of advocacy the Local Authority appears only to see the necessity for advocacy services at a point of crisis or complaint.

The response could be improved through the Local Authority clearly defining its duty to ensure that advocacy is provided under current and imminent legislation, and to prevent potential breaches of older people's human rights. In addition, the response could be improved through an analysis of current provision and of any action plans aimed at addressing gaps and shortfalls, which includes clear timelines, and accountable named officers and an assurance that the Requirement for Action will be achieved in reality.

## **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 response to this requirement states that where residents require health related specialist services these remain within the purview of the Health Board. This appears to relinquish control over to the Health Board and the response does not appear to acknowledge the benefits of joint working to ensure the quality of care of residents. Clarification is needed.

While the response also states that the Local Authority has adopted an integrated approach to its provision of care services, it could be improved through a definitive statement outlining what this service means in practice.

The response could be improved through an evaluation of current provision and of any action plans aimed at addressing gaps and shortfalls,

which includes clear timelines, and accountable named officers and an assurance that the Requirement for Action will be achieved in reality.

## **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 demonstrates an understanding of the importance of basic dementia training and states that Local Authority providers have all given assurances that appropriate training arrangements have been put in place, meeting induction and on-going development requirements. However, no specific details of what this training entails have been provided or how it meets the Commission's Requirement.

There is some acknowledgement of shortfalls in the response, with the Local Authority stating that it will address "weaknesses" in current provision; however, the Local Authority does not specifically identify those weaknesses.

It is welcome that the response refers to the development of a new template that will incorporate performance validation via monitoring visits and an annual quality self-assessment process criteria; but a clear description of projected outcomes for older people and named accountable officer would improve this response. In addition, the Local Authority needs to provide assurances that this Requirement for Action will be achieved in reality.

### **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 demonstrates an understanding of the range and availability of befriending schemes in the county. The response states that almost all providers have assessed themselves as being compliant with supporting residents to maintain existing friendships and ensuring access to faith based support and cultural communities is made available. The Local Authority states that its contracts monitoring processes will include validation of these self-assessments. The response goes on to indicate that while some services actively encourage befriending or “friends of...” schemes, others need to do more work. The Local Authority indicates that it will encourage this via Provider Forum meetings.

It is welcome that there is potential for supporting befriending services across the county by utilising the Supporting People Grant.

In order to comply with the requirement, the Local Authority proposes routine contract monitoring in order to review providers’ progress in respect of this requirement.

### **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 response demonstrates a commitment to establishing a National Improvement Service and states that this will build on existing collaborative work undertaken between the Local Authority, Health board and CSSIW

The Local Authority indicates its support for an NIS and states that it looks forward to helping develop it.

## **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 an 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 all Local Authority practices regarding this requirement are based on "what matters to the person." The approach involves discussions with and listening to older people and converting this into meaningful outcomes.

The response also indicates that a new QA framework is being developed that will assess the impact of services on service users. Fundamental to this is talking to service users.

The Local Authority states that it has been encouraging providers to include descriptions of how their service will achieve person-centred outcomes in their Statement of Purpose. The response could be improved with examples of how these changes have improved the outcomes for older people.

The Local Authority states that its providers assure them that they are currently compliant; however, the response could be improved with assurances about the veracity of this claim and its sustainability.

## **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 support in principle; however, the Local Authority states that it needs further discussion and clarification so as to avoid duplication and potential conflict of interest. The response points out that the range and scope of human rights considerations also needs clarification.

Despite its reservations, however, the Local Authority does show a willingness to work on this and progress the development of AQSs.

## Appendix 1:

### Monmouthshire County Council, questions raised

#### Requirement for Action 6.7

##### Question:

We support this in principle but believe that this requirement needs further discussion and clarification; especially in considering CSSIW's responsibility to regulate and assure the quality of care within care homes and avoid duplication or the potential for conflicting assessments. We would welcome the Commissioner's view in this regard.

The range and scope of the human rights considerations also requires some clarification. Presumably the two most relevant issues are Deprivation of Liberty and the implications of Article 14 on those with assets above the threshold limit. It may be that the Commissioner has in mind a wider assessment, and it is this that needs to be clarified.

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 Requirement for Action is not intended to create a duplication of effort with other processes, but is instead designed to form an integral part of the efforts needed to improve the quality of life and care of older people in care homes in Wales. The other Requirements for Action, including those directed towards CSSIW are intended to complement each other, such as Requirement for Action 6.9 which includes reporting requirements within the Chief Inspector of Social Services Annual Report.

The Authority suggests the need to clarify how this Requirement will interact with other ongoing work, and a desire to clarify how 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 Local Authorities, and other bodies where appropriate 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.