

**NEIGHBOURHOOD SERVICES
COMMITTEE**

9 NOVEMBER 1999

**REGULATION AND INSPECTION UNIT - INSPECTION FOLLOW-UP
POLICY**

LOCAL AUTHORITY RESIDENTIAL CARE HOMES

1. Introduction

1.1 This particular requirement of Local Authority Circular 94(16) is intended to maintain confidence in the inspection function across the full range of residential provision, with the local authority considering and acting upon recommendations made by the inspection unit, in a similar way to independent sector residential care provision.

1.2 The circular requires that the inspection follow-up policy sets out:

- how the improvements or other action required by the Inspection Unit will be identified in inspection reports;
- who, within the Council has responsibility for acting on those recommendations for the different services involved;
- what time limits on follow-up action may be set; and
- how the adequacy of the response to reports will be monitored and who will do this.

1.3 The follow-up mechanism as outlined in the body of this report is based on the Regulation and Inspection Unit's current monitoring arrangements in respect of registered residential care homes, and therefore makes no new proposals in respect of the independent sector.

2. Inspection Follow-Up Arrangements

2.1 The inspection and regulatory processes that are already in place go some way to meeting the requirements of LAC 94 (16), and these will now be strengthened.

Inspection Reporting Standards

- 2.2 As is current practice, inspection reports will continue to be issued in *draft* form within *one month* of the inspection of a particular residential care home, to the relevant officers. Inspectors will continue to bring specific concerns and issues requiring attention, to the attention of the unit manager on the day of the inspection. As is current practice, comments on the report must be received from the relevant Officer(s) within *one month* of receipt (see 2.6 below).
- 2.3 Inspection reports will continue to separate *requirements* (issues requiring attention by law), from *recommendations*, (issues that are recommended as good practice, and whilst not required by law, providers are encouraged to implement these wherever possible). The relevant source (legislation; guidance) for the requirement or recommendation will continue to be explicitly stated in the inspection report.
- 2.4 Inspection reports will continue to be based on explicit standards and on an objective, evidence based assessment of the service.

Timescale for Implementation

- 2.5 Inspection reports will continue to set time-limits for implementation, consistent with those set for independent sector residential care homes and as permitted under the Residential Care Homes Regulations 1984 and Children Act 1989. Time limits will therefore continue to be set according to the degree of urgency required to ensure that the service is appropriate to meeting the needs of the residents and promotes their privacy, independence, dignity, rights, fulfilment and choice.
- 2.6 Similarly, time-scales will be set within the context of the regulatory powers that are available in respect of independent sector residential care providers. For example, where a provider may consistently demonstrate a failure to comply with legal requirements defined under the above regulations and highlighted by inspection, over a period of time, the Regulation and Inspection Unit may issue enforcement notices, requiring that action be taken within a specified time-scale.
- 2.7 In respect of independent sector residential care provision, failure to comply with the requirements of an enforcement notice is a criminal offence, and can lead to prosecution and cancellation of registration.
- 2.8 The maximum time-scale permitted in an enforcement notice is *three months*, and this will continue to guide the determination of the time-scales specified in inspection reports in respect of *requirements*. Shorter time-scales may of course be applied, dependent upon the gravity of the issues arising from the inspection; on occasions it may be considered appropriate to specify an immediate time for the implementation of a requirement, or perhaps a period of 12-24 hours, for example.

- 2.9 Similarly, inspection reports will continue to set time-scales in respect of *recommendations*, which may then be negotiated with the relevant unit manager. Time-scales for recommendations are generally in excess of three months.

Council Response to Inspection Reports

- 2.10 The inspection report will request a written response from the Unit Manager and the Service Manager and / or Head of Service on the *draft* report to be returned to the Regulation and Inspection Unit within one month of receipt of the report. Inspection reports will continue to specify that in the event that a written response is not received by the specified date, the report will automatically be considered as the *final report* and issued under the terms of the unit's Open Reporting Policy.
- 2.11 Where a *requirement(s)* are specified in an inspection report and the Service Manager and/or Head of Service wishes to challenge these and/or the time-scale set by the Regulation and Inspection Unit, they will put their reasons in writing to the Principal Manager, Regulation and Inspection Unit. The Principal Manager, Regulation and Inspection Unit will then discuss the stated objections/reasons with the Strategic Director of Neighbourhood Services, and may meet with the Service Manager and/or Head of Service in order to review the specified requirements and/or specified time-scales.
- 2.12 Where the inspection report highlights issues that, in the opinion of the Principal Manager, Regulation and Inspection Unit can be immediately resolved or addressed, e.g. local policy/procedural/staff performance issues, the relevant inspector will liaise directly with the local manager and Service Manager. This will be in order to ensure that the issues are addressed within the required time-scale. The inspector will continue to monitor progress on the implementation of the *requirement*, throughout the specified time period, and keep the Principal Manager, Regulation and Inspection Unit, informed.

Action Regarding Serious Concerns

- 2.13 In the event that the provider fails to implement the *requirements*, in the absence of a reasonable explanation, the Principal Manager, Regulation and Inspection Unit will inform the Strategic Director of Neighbourhood Services. The Principal Manager, Regulation and Inspection Unit will then issue the equivalent of an enforcement notice to the Head of Service, requiring action to be taken, within an appropriate period of *not more than three months*. This notice will set out the relevant breach of regulation, the remedial action that must be taken and the time within which such action must be taken. This will be copied to the Strategic Director of Neighbourhood Services and the Chair of Neighbourhood Services Committee, and if appropriate, the Chair of the Children's and Youth Committee, the Chair of Policy and Resources Committee and the Chief Executive of Milton Keynes Council.
- 2.14 The Strategic Director of Neighbourhood Services will inform the Principal

Manager, Regulation and Inspection Unit in writing as to how he or she intends to deal with these issues, within 10 working days of receipt of the notice. The Director of Neighbourhood Services will report on progress to the Principal Manager, Regulation and Inspection Unit, according to the time-scales specified within the notice itself. The Strategic Director of Neighbourhood Services will also inform the Chairs of the Neighbourhood Services and the Policy and Resources Committees and the Chief Executive and if appropriate, the Chair of the Children's and Youth Committee and report on progress to them.

- 2.15 Monitoring reports will be presented to the appropriate Committees and the Regulation and Inspection Unit Advisory Panels.

Monitoring Action Taken

- 2.16 The relevant Unit Manager, Service Manager and/or Head of Service will be responsible for reporting progress on implementation, to the Strategic Director of Neighbourhood Services and the Principal Manager, Regulation and Inspection Unit. Inspectors will also undertake monitoring visits to establishments, where specific requirements are made.
- 2.17 Where an inspection report highlights issues of major serious concern, for example possible abuse of residents or professional malpractice, requiring immediate action to be taken by the local manager, the Service Manager and the Head of Service, they will be proactive in informing the Principal Manager, Regulation and Inspection Unit, of resulting outcomes. The Principal Manager, Regulation and Inspection Unit will be responsible for following-up these issues with the Head of Service in conjunction with the inspector for the particular care home, reporting any lack of progress as outlined previously.
- 2.18 Where an inspection report highlights issues of, for example capital funding or other longer term, strategic issues, the Principal Manager, Regulation and Inspection Unit will be responsible for ensuring that an appropriate time-scale for addressing these issues is agreed, with the relevant Service Manager and Head of Service, prior to Management Teams making proposals for Member decisions.
- 2.19 The Regulation and Inspection Unit Annual Report will continue to be the main vehicle by which issues and themes arising from the programme of inspections, and information as to action taken by the local authority to address issues arising from inspections, are brought to the attention of Councillors.