

## Minutes

- Meeting:** Policy Committee
- Date:** 9 March 2016
- Time:** 10.30 am
- Venue:** Room 0.24, Compass House
- Present:** Paul Edie, Chair and Convener of Committee  
Mike Cairns  
Anne Haddow  
David Wiseman
- In Attendance:** Rami Okasha, Executive Director of Strategy and Improvement  
Gordon Paterson, Head of Inspection, Older People's Services (East)  
Ewan Stewart, Head of Registration, Complaints and Legal Services  
(for item 10)  
Fiona Angus, Committee Support Officer
- Apologies:** Anne Houston  
Robert Peat, Executive Adviser to the Board  
Karen Reid, Chief Executive  
Kevin Mitchell, Executive Director of Scrutiny and Assurance  
Kenny McClure, Head of Legal Services

Item	Action
<b>1.0 APOLOGIES FOR ABSENCE</b>	
Apologies for absence, as listed above, were noted.	
<b>2.0 DECLARATION OF INTEREST</b>	
There were no declarations of interest.	
<b>3.0 MINUTE OF PREVIOUS MEETING HELD ON 11 NOVEMBER 2015</b>	
The minute of the meeting held on 11 November 2015 was submitted and agreed with the following corrections:	CSO

Wording at fourth bullet point under item 12.0 to read “...would be linked appropriately to the budget for 2016/17.”

Removal of the word “That” at the beginning of the second bullet point under item 14.0.

The date of the next meeting to read 13 January 2016.

#### **4.0 ACTION RECORD OF MEETING HELD ON 11 NOVEMBER 2015**

The Action Record was updated as follows:

CSO

**3 March 2015 meeting (Item 3.0):** Removed from rolling action record. Matter being addressed by Resources Committee.

**11 November 2015 meeting:** Item 8.0 noted as completed. The Committee was informed that there had been no change to the National Care Standards Project Board membership but the matter was being raised. The Development Group, however, had been expanded to include representatives from a range of organisations, including the Scottish Older People’s Assembly.

#### **5.0 MATTERS ARISING**

There were no matters arising.

#### **STANDING ITEMS**

#### **6.0 POLICY TRACKER: JANUARY-FEBRUARY 2016 REPORT NO: P-01-2016**

The EDoS&I presented the report and explained that the formal election period would commence on 24 March, following dissolution of the Scottish Parliament the day before.

The Committee’s attention was drawn in particular to the Carers (Scotland) Bill, noting that it had been passed by the Scottish Parliament in February. The role of the Care Inspectorate had featured in the parliamentary debate on the Bill and it was noted that the proposed amendments to the Bill in relation to the Care Inspectorate had been withdrawn. It was noted that the Carers (Scotland) Act 2015 would be inserted into Schedule 13 of the Public Services Reform (Scotland) Act 2015 and the Scottish Government had requested the Care Inspection to develop proposals around scrutiny. The EDoS&I explained that the organisation would be considering a range of options, which might require further funding.

The Committee was informed that the Community Justice (Scotland) Bill had been passed by the Scottish Parliament.

The Health (Tobacco, Nicotine etc and Care) (Scotland) Bill had also been passed, which would enable the establishment of an organisational duty of candour. For the Care Inspectorate, this would not involve scrutiny but the organisation would have a monitoring role in the implementation of the process by the services it regulated and inspected through the notification process.

In relation to the Public Audit Committee (PAC) discussion on the Health and Social Care Integration Report, members discussed the differing funding arrangements for social work and NHS services.

**Action:** It was agreed that the link to the PAC's letter to the Scottish Government would be circulated to the Committee for information.

CSO

The Committee also noted the different funding streams of health and social care and the varying levels of spending on the sectors across Integrated Health Boards.

In relation to the various election manifestos, the EDoS&I explained that the Care Inspectorate's Policy Team would be tracking these and would provide more information to the next meeting of the Policy Committee in May.

## 7.0 NATIONAL CARE STANDARDS DEVELOPMENT UPDATE

The EDoS&I reported that the overarching principles which would underpin the new National Care Standards (NCS) had been approved by the Cabinet Secretary. The next stage would be the development of general and specialist standards. Consideration was being given to the possibility of extending the general standards across all health and social care sectors and this would be a decision for the Scottish Government.

The EDoS&I informed the Committee that a communication would be provided to staff to take with them on inspections during 2016/17 to raise awareness.

Members discussed the matter of commissioners adhering to NCS, noting that it would not be a statutory requirement, as they were not subject to regulation in the same way as regulated care services. The EDoS&I said that the NCS would be an important element of assessing quality in the joint inspections of services for older people and children, and would also help inform our assessments of the impact of strategic commissioning in partnerships. There was also some discussion on the application of the NCS to self-directed support, especially since this was an area that was not regulated. It was noted, however, that the legislation covering self-directed support aligned well with the NCS. The discussion focussed on the vulnerability of people who use services who had opted for self-

directed support and what safeguards might be put in place to protect them, whilst enabling those people to make their own independent choices. It was generally recognised that current legislation was in place to enable this but that a wider discussion by the Board, perhaps in conjunction with the Scottish Social Services Council at a Board Development Event, would be of some benefit.

**Action:** Self-Directed Support to be included as a subject for Board Development Event, possibly jointly with SSSC. CE/Chair

## 8.0 SCHEDULE OF COMMITTEE BUSINESS

The Committee agreed to update the Schedule with the following items: CSO

- Draft of Policy Committee Annual Report to the Board – to be added to business of Committee meeting in May
- Self-Directed Support – discussion to be added to business of Committee meeting in November

## BUSINESS

### 9.0 CARE INSPECTORATE REVIEW OF THE FINDINGS FROM THE SERIOUS CASE REVIEW OF ORCHID VIEW CARE HOME AND THE CARE QUALITY COMMISSION'S RESPONSE REPORT NO: P-02-2016

The HoIOPS spoke to the report which outlined the background to the investigatory reports on the Orchid View Care Home by the West Sussex Adult Safeguarding Board and the Care Quality Commission (CQC). The Committee was asked to consider the findings from the Care Inspectorate's review of the recommendations from those reports and to agree further actions or analysis in response to the lessons learned.

It was noted that, in comparison to the system in England, there were safeguards in place to mitigate the risks of a similar situation happening in Scotland, particularly with a number of protection agencies operating collaboratively under strict legislation and sharing intelligence, but the Committee agreed there was no room for complacency and the Care Inspectorate needed to constantly review arrangements for public protection and assurance.

The Committee welcomed the analysis of the recommendations and the high quality of the comparison work that had been carried out by the Care Inspectorate. One issue that was highlighted and which was applicable to the Care Inspectorate was in relation to

registration, specifically where a service de-registered and re-registered and the regulatory history of that service was removed from the Care Inspectorate's website.

The Committee saw this as a risk area, where the organisation was not able to provide appropriate information to the public.

The Committee agreed that historical information on re-registered providers was an issue to consider in more detail and that ways to progress this matter within known constraints should be found.

EDoS&I

## 10.0 PRESENTATION ON DEVELOPMENT OF COMPLAINTS PROCESS

An overview of the development of a new complaints process in respect of care services was presented by the Head of Complaints, Registration and Legal Services. The presentation outlined an assessment of risk as part of the complaints handling process, which included an assessment of a service's capacity to improve.

Members noted that the Complaints Committee had received a similar presentation and had welcomed the focus on improvement. The Committee had viewed the role of inspection volunteers as being a valuable contribution to the process, especially because a very low number of complaints were received from people who use services themselves.

The Committee discussed at some length the terminology being applied, with a focus on "complaints" but exclusion of "concerns". In comparison, it was noted that the system operated by the Care and Social Service Inspectorate Wales (CSSIW) included information on how to raise a concern. It was recognised, however, that CSSIW did not have the same powers as the Care Inspectorate in relation to investigating complaints.

There were differing views on the inclusion of concerns and other feedback, in addition to receiving complaints, taking into account the different types of complaints about different services, and individual's perceptions of the difference between raising a complaint or raising a concern. The potential use of information gathered through the recording of concerns, however, was acknowledged. The Committee thanked the HoRCLS for the updated and agreed to consider matters further at the complaints procedure developed.

**Action:** Draft of complaints handling procedure to be presented to Executive Team, informed by consultation with the Involving People group. The Committee noted this may be a suitable topic for further discussion at a Board Development Event.

EDoS&I

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**11.0 DEVELOPING THE CARE INSPECTORATE'S STRATEGY FOR SUPPORTING IMPROVEMENT IN SOCIAL SERVICES: PROGRESS REPORT  
REPORT NO: P-03-2016**

The EDoS&I presented the report which outlined developments with the strategy and gave information on timescales.

Members were appraised of the emerging issues that had been identified at a staff seminar held in February, which had addressed the six key questions underpinning the strategy. The five main issues were:

- The need to understand, describe and plan better the relationship between scrutiny and improvement
- The possibility of developing a common national approach to delivering improvement.
- The need to ensure that the improvement strategy describes the Care Inspectorate's approach beyond care services, and supports improvement in community planning partnerships, local authorities and integrated joint boards.
- The need to clarify the role and expectations of inspectors in supporting improvement
- The need for consideration of the role that people who use services and their carers play in supporting improvement.

The Committee asked that the role of carers, as well as care service users, be taken into account as part of the strategy.

The EDoS&I informed members of the intention to present the strategy to the Board for agreement at its October 2016 meeting.

**12.0 REFRESHING AND REVIEWING OUR CORPORATE PLAN  
REPORT NO: P-04-2016**

The EDoS&I explained the changes to the strategic objectives outlined in the report, based on the need for these to be less operational and more strategic in nature.

The Committee agreed to the new four strategic objectives and agreed that officers should move some of the detailed key priorities from the corporate plan into operational plans.

Members agreed that there was no requirement for the revised Plan to be brought back to the Policy Committee and that it should proceed to the Board for its approval. **EDoS&I**

### **13.0 CARE MARKET OVERSIGHT**

The EDoS&I invited the Committee to consider how the Care Inspectorate could better provide market oversight information to local authorities based on intelligence gathered in respect of care services. Members saw some benefit in developing this initiative, whilst noting potential pitfalls. The Committee requested a report be presented to a future meeting which outlined the risks and benefits of providing such a service. **EDoS&I**

### **14.0 AOCB**

There was no other business.

### **18.0 DATE OF NEXT MEETING**

The date of the next meeting was noted as 18 May at 10.30 am, Compass House, Dundee.

Signed:



Paul Edie  
Chair (and Convener of the Committee)

