

Useful information for registered care services

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Useful information for providers of registered care services

This information is designed to help providers of care understand the scrutiny and improvement work that the Care Inspectorate does.

We are a scrutiny body that supports improvement in social care and social work. It registers care services in Scotland, and inspects them to make sure that the quality of care meet the right standards. It also jointly inspects with other regulators to check how well different organisations in local areas work to support adults and children.

We work across early learning and childcare, social care, integrated health and social care, children's services, social work and community justice. We assure the quality of these services. We work to make sure that everyone gets safe, high quality care that meets their needs.

We are moving from being an organisation that bases its scrutiny, assurance and improvement work on compliance, to one that works more collaboratively with care providers and people who experience care. This does not compromise our role as the regulator for social care services, but recognises that the Care Inspectorate and providers have a shared aim of improving care and ensuing people experience care that is high quality.

Scrutiny, assurance and improvement

What do scrutiny, assurance and improvement mean to the Care Inspectorate?

Scrutiny includes a range of diagnostic tools which evidence to the public, and care leaders, what is working well and what needs to improve

Assurance is a positive declaration that is intended to give public confidence about the quality of care.

Improvement is an act or process which enhances value or excellence in the delivery of care.

This document provides a brief outline of what Care Inspectorate does when you want to register a care service, when it inspects, when you want to change details about your service or if it receives a complaint about your service.

Inspecting care

There are around 14,000 registered care services in Scotland. Inspectors visit every care service. Some services are visited every year. If we have concerns, our inspectors will visit more often. Higher risk services are inspected more often. Inspectors talk to people using the service, staff and managers. They watch what happens in the service to help assess the quality of care people receive.

We expect all care services to support people in a way that is right for them. They should be managed and led well, and make a positive impact on people's lives, based on their needs, rights and choices. We expect all care services to use the new Health and Social Care Standards to plan the delivery of their care. You can find these at www.newcarestandards.scot.

Inspectors grade the quality of care services. Inspectors may look at the quality of:

- care and support
- environment
- staffing
- management and leadership.

Each area of each care service is assessed on a scale from 1 to 6, where 1 in unsatisfactory and 6 is excellent.

From April 2018, we will be rolling out a new inspection framework, built around Scotland's new Health and Social Care Standards, which will assess how well services are delivering the best possible outcomes for people experiencing care.

Supporting services to improve

Our job is not just to inspect care services, but help them improve. This means offering advice, guidance and suggestions to help services reach the highest standards. If a service isn't performing to the levels required, we do not hesitate to act. The first approach is always to provide and signpost support which can help the quality of care improve. Inspectors can issue recommendations for improvement and requirements for change and check these have happened. In very serious cases, if a service has not improved, we can close it down subject to appeal to a sheriff, and can also impose conditions on care service meaning they must start or stop doing something specific.

We have a legal duty to help the quality of care improve and does this in a number of ways. The inspector for your service will be able to help advise, signpost and discuss the quality of care with you and your staff. Our improvement support team may be able to provide practical improvement support, both in general improvement techniques, and in specific health and social care practice areas.

We publish extensive advice and support for care service staff on our knowledge, improvement and innovation website The Hub: hub.careinspectorate.com. This contains improvement resources, practice guidance and other materials that you and your staff may find very helpful.

Registering a new care service

When you have sent us your application form and fee, our registration team will confirm receipt within three days and start to process your application. The purpose of this registration process is to ensure that applicants are fit, proper and able to provide high-quality care. This acts as a gateway to the social care sector and helps ensure that vulnerable people experiencing care have confidence in providers. We aim to complete registrations within three months if you are a childminder, and six months for all other service types. The better prepared you are before applying, the quicker the assessment process will be. You will find lots of advice about registering a care service at www.careinspectorate.com.

Once all the information about the application has been gathered, we will decide whether the application should be granted or refused. We will give our decisions to you in writing, but it is likely that an inspector will discuss your application with you in person as it processes.

Where an application is granted, a certificate will be issued to you through your eForms account. Eforms is our online system that you will use as a registered care service. Your certificate will include any conditions of registration that we have applied.

If we refuse your application, you will be able to ask us to review our decision. If your

request for a review does not change the decision, you will be able to appeal this to the Sheriff Court.

Applications to change conditions of registration

You can apply to add, vary or remove conditions of registration by applying through the eForms system.

Some types of variations (for example change of operating hours) can be completed by letter, email or telephone, whereas others, such as changes to premises, may need several meetings and site visits.

Once all the information about the variation has been gathered, an inspector will identify whether the variation should be agreed or refused and give this decision in writing. Where a variation is agreed, a new certificate will be issued to you through our eForms system.

Where a variation is refused, you can ask us to review our decision. If this results in changing our initial decision, we will notify you in writing and a new certificate will be issued through eForms. If your request for a review does not change our decision, you will be able to appeal this to the Sheriff Court.

Inspections

Most inspections are unannounced. Occasionally, however, we may contact a service before we visit, for example, because we want to make sure people who experience care are present. This would usually be around 24 hours beforehand.

We expect care services to make sure that they always have up-to-date information about the service and its management arrangements, and we expect services to be able to evidence how they are continually improving the quality of their care.

When inspectors visit, they will speak to the manager or person in charge and tell them what they plan to do. The main focus will be on observing care practice and speaking with people who experience care, their carers and family members. Inspectors will also look at documents, such as personal plans, medication records, accident and incident records, and staff supervision and training records. They will also speak with staff and visiting professionals, if they are available.

The inspector will keep in contact with the manager or person in charge throughout the inspection, to keep them aware of how the inspection is progressing.

At the end of the inspection, the inspector will give feedback about our findings to the manager or person in charge and to the service provider. They will provide details of our conclusions about the quality of care and the grades of care found. You will be able to comment on our findings and discuss any issues.

The inspector will then write the inspection report. This will give our assessment of the service and any requirements and recommendations that we believe are needed to improve the quality of care.

A draft copy of the report will be sent to your service through the eForms system. Inspectors aim to send this report within 20 days of the feedback meeting.

On receipt of the draft report, you will have 21 days to make any comments and identify any factual inaccuracies. You can do this by using the error response form that is issued with the draft report.

Where the accuracy of the report is confirmed, or there is no reply within 21 days, the inspector will finalise the report, and send it to your service through the eForms system.

Where you send comments or requests for changes to the report, the inspector will consider these carefully and advise you whether or not we intend to make any changes and the reasons why. Our inspector will then finalise the report and send it to your service through the eForms system.

We will publish the final report on its website.

If we make any requirements or recommendations, we expect you to complete an action plan. This should set out what you intend to do to improve the areas of practice which are not working well. We expect to receive this within 21 days of the final report being issued. You will send us your action plan through the eForms system. The purpose of this action plan is not just to satisfy us, but to help you plan how you will improve experiences and outcomes for people.

Inspectors will follow up on any actions at your next inspection, or sooner if we think it is necessary. This is so we can assure ourselves that the improvements you planned have taken place.

We use a **risk assessment document (RAD)** to identify and rate risk levels in regulated care services. The risk level helps us determine the frequency of inspection and, combined with a workload planning tool, it helps us determine the intensity of any inspection.

Complaints about care

Anyone can make a complaint to the Care Inspectorate. Usually, a complaint needs to be made within six months of the concern arising. In exceptional circumstances, we may decide to extend this time limit.

We aim to complete complaint investigations within 40 days of the complaint details being formally confirmed with the person making the complaint (the complainant).

When we receive a complaint about a service, one of our complaints inspectors will discuss it with the complainant.

First of all, the inspector will consider whether the concerns can be dealt with by the service. We encourage people to raise their concerns directly with care services however, people have a legal right to complain directly to us and we are obliged to consider their concerns.

Inspectors then consider whether the complaint can be investigated by the Care Inspectorate. Some complaints do not fall within our remit and so we may pass these to other agencies, such as Healthcare Improvement Scotland or the Health and Safety Executive.

Where the matter involves child or adult protection issues, we must refer the concerns to social work and if appropriate, the police as they have the responsibility to investigate. We may still be involved, so we can ensure that people who experience care are safe – we will usually work closely with other agencies in doing this.

Where a complaint cannot be resolved directly between the complainant and your service, or the matter is not suitable for this kind of resolution, we will decide how we will deal with the complaint. We will assess what risk the cause of the complaint presents to people and what we know about the care service to decide how to deal with it.

In some cases, we may contact the manager of the care service, ask them to investigate the complaint themselves, and report back that they have done this. In some cases, we may choose to investigate the matters during the next scheduled inspection.

In other cases, we will carry out a formal investigation of the complaint. In these cases, an inspector will contact your service to advise you of the complaint. They may do this during an unannounced visit to your service.

When investigating a complaint, our inspectors might:

- speak with the service manager and you
- speak with those who made the complaint
- speak with people using the service (where appropriate to do so)
- speak with staff
- examine personal plans, medication records, incident records, staff files, and so on
- examine the care service premises
- observe care practice.

Once we have investigated a complaint, the inspector will write a report detailing the complaint, the investigation process and the findings. In the report, we will identify, for each part of the complaint, whether it is upheld or not upheld. Where complaints are upheld, inspectors may make requirements and recommendations and identify what needs to be done and when it needs to be done by.

A copy of the report will be sent to the complainant and to the care service. If either you or the complainant believes we have made a mistake in our findings and come to the wrong conclusion, either party can ask for a post investigation review.

You can ask for a post investigation review if you consider that the decision was made on inaccurate evidence, there is new and relevant information, or you do not agree that the decision is correct.

If you do not agree with the complaint report, you have 10 working days from receiving it to ask us for a post investigation review. This timescale applies to both parties and we will wait until the 10 working days are up before deciding whether to carry out a post investigation review.

Where we receive comments or requests for changes to the report, we will consider these carefully and advise you whether or not we intend to make any changes and the reasons why. If we make any changes, we will send a revised copy of the report to the complainant and you.

If a complaint is upheld, we may ask you to complete and return an action plan relating to any requirements and recommendations we have made. We expect this to be done within 14 working days of us issuing the complaint report. Inspectors will follow this up at the next inspection of your service, or sooner if they feel this is necessary.

In some circumstances, we may change the quality grades that have been applied to particular quality themes. If this is necessary, we will advise your service in advance of any changes being made.

You can find a copy of the full complaints procedure at www.careinspectorate.com

Enforcement action

Most care services in Scotland perform well. Enforcement action is rare, but it is an important tool to protect people from harm or potential harm in serious situations. Where we have concerns that may seriously affect the health, welfare and safety of people using a service, it can take different types of formal legal action to protect them. These include the following measures.

Improvement notice

An improvement notice sets out actions that a provider must take to improve the quality of care provided and to protect people who experience care. If you fail to do this in the set timescales, we may seek to close your service. If we propose to close your service, you can ask us to review the decision. If we uphold our decision following review, you can appeal to the Sheriff Court.

Condition notice

A condition notice sets out new conditions of registration that are needed to improve the quality of care and to protect the people who are using the service. These are usually temporary and can be removed once the issues have been resolved. The types of conditions used may include for example, stopping new admissions to a care home, setting out a new staffing structure, or preventing certain people having access to the care service. Where we propose to serve a condition notice, we will advise you of our intention to do this and, if you wish, you can give reasons why we should not do this. You can appeal the decision to the Sheriff Court.

Emergency condition notice

Where there is a serious risk to the life, health or wellbeing of people, we can serve an emergency condition notice. This comes into effect immediately but you can appeal the decision to do so in the Sheriff Court.

Emergency cancellation

In very serious situations, where there is a serious risk to the life, health or wellbeing of people, we may need to move immediately to close a service. In these cases, we apply to the Sheriff Court to cancel the service's registration. You can make representations to the Sheriff Court to argue that a service does not need to be closed. Where this happens, we may ask for an interim suspension order, which prevents the service from operating while the Sheriff Court decides on whether to grant an application for emergency cancellation.

Records and information we ask you to send and keep

We expect care services to keep records about important things and send us information from time to time.

Annual returns

Each year we ask care services to complete an annual return, which provides information about the service you provided in the previous year. This helps us inspect care services more effectively and collects information for the Scottish Government and the Scottish Social Services Council. We normally send information about the annual return through the eForms system each January and expect you to complete your return by the end of February.

Records services must keep and notifications you are required to give us

There is a list of records that services must keep which reflects the requirements of The Public Services Reform (Scotland) Act 2010, and The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 and The Social Care and Social Work Improvement Scotland (Applications and Registration) Regulations 2011.

The information for childminders is here. For all other types of care service, the information is here.

It is a legal requirement for care services to keep these records. We expect these to be available to us when we ask. We expect these records to be located within the registered service but we may agree changes to this, for example if personnel records are kept centrally.

Headquarters

Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY

web: www.careinspectorate.com
email: enquiries@careinspectorate.com
telephone: 0345 600 9527



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