

Croydon Council

REPORT TO:	Adults Social Services Review Panel, 18th April 2012
AGENDA ITEM:	7
SUBJECT:	Domiciliary Care: Response to Close to Home.
LEAD OFFICER:	Brenda Scanlan, Director, Adult Care Commissioning
CABINET MEMBER:	Councillor Margaret Mead, Cabinet Member for Health & Adult Social Care
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT: Ensuring good quality and safe delivery of domiciliary care as well as providing value for money	
FINANCIAL SUMMARY: there are no financial implications for providing safe, good quality and effective home care services.	
FORWARD PLAN KEY DECISION REFERENCE NO.:	
1. RECOMMENDATIONS 1.1 To receive this report, note its contents and expect an update later in 2012 on outstanding issues. .	

2. EXECUTIVE SUMMARY

- 2.1 The council has been re-letting home care contracts during 2011/12. One of the key issues in the evaluation of bidders and subsequent contract letting is the need to ensure the safe delivery of home care by contractor staff.
- 2.2 The Equalities Commission in a document 'Close to Home' reported in 2011 of the possible widespread abuse of the human rights of Older people by care staff in service users' own home. In particular they identified the issue of inhuman or degrading treatment. The Commission also identified that if older people received care at home provided by the voluntary/ private sector and paid for it themselves, the Human Rights Act (HRA) did not apply.
- 2.3 To reassure members and Croydon residents, the Department of Adults Services, Health and Housing (DASHH) had taken some steps to implement some of the key recommendations: more monitoring, more flexible commissioning to incorporate human rights considerations; more leadership on standards including Dignity in Care campaign and expanded safeguarding.
- 2.3 All divisions now have a dedicated contract management team that will deal with all domiciliary care contractors. This includes the monitoring of the home

care currently based in the outsourced special sheltered blocks now managed by Care UK. In addition the brokerage team will retain its monitoring role for the providers and their staff.

- 2.4 In addition the Care Support Team are available to work with providers to help bring them up to the necessary standard.
- 2.5. All contracts contain break clauses for poor performance of providers as well as financial penalties for failing to meet standards. In addition the new call off framework contracts enable the council not to purchase services from any provided that is not able to meet the standards. As part of the issuing of the new framework contracts, all providers will be expected to sign up to include human rights considerations as set out in the report
- 2.6. The safeguarding team has been expanded and strengthened. This should ensure that the consistently high standards set in investigating complaints are maintained with the levels of demand currently experienced by the council. In particular in light of the Equalities Commission report.
- 2.7. The Department is leading on a campaign to introduce Dignity in Care through the recruitment of Champions that has reached over 200 and will expect all home care providers to sign up.

3. DETAIL

3.1 Quality and Safety in Home Care.

- 3.2 All registered Home Care providers have to meet the standards set by the Care Quality commission (CQC). These include not only the need for proper governance and skills for managing staff and care but also providers need to ensure that their staff are trained and equipped to deliver good quality care.
- 3.3 However, over the last two years, CQC has not been able to monitor how these staff actually carry out their duties in a persons home. Much of the day to day monitoring of home care staff has been carried out by council staff.
- 3.4 The Equalities Commission report highlighted what they considered as human rights abuses by staff carrying out their home care duties. In particular they picked out examples of where service users had experienced inhuman or degrading treatment. They made a series of recommendations for commissioners to follow in buying services. For Croydon this came too late for it's for the new contracts now being let as they were started a year earlier. Nevertheless, before the final signature are appended to the contracts all providers will be expected to sign up to be Dignity in Care champions as well as agreement to both ensure human rights were protected and staff who engaged in abuse would be dealt with. There is a reference to this in the specification.
- 3.4. The Equality Commission report recommended that there is more monitoring of home care. The restructuring of Department of Adults, Health and Housing (DASHH) had already provided more dedicated contract monitoring staff to

support the work carried out by the brokerage service and the safeguarding team.

- 3.5. In addition Commissioners have set up a 'framework' agreement with new and existing home care providers. This includes specific clauses in terms of using financial penalties, suspension of services and ultimately not buying any services from providers who fail to meet the standards of care the people of Croydon have a right to expect.
- 3.6. These extra elements are now added to the robust safeguarding service in Croydon that successfully dealt with more safeguarding investigations than any other London borough. The safeguarding service has also been expanded to enable the council to keep pace with demand.
- 3.7. The brokerage team will continue to have the day to day contact with providers and to continue to provide monitoring of the quality of home care services. In particular they will have a role in making sure Individual Budget holders who use council contractors are not abused nor have their human rights withheld.
- 3.8. The Equalities Commission also recommended better and more accessible information for service users and their families on how to complain and how to be reassured that councils will deal effectively with any concerns they raise. On the back of the issuing of the new framework agreements, all service users/families/carers will receive information on how to report and manage issues. The council will also be seeking early engagement with CQC to ensure all registered providers have up to date reports on their website to enable service users and carers to have information on the best providers.

4 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 4.1 There are no financial implications or risks.

5. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 5.1 There are no legal issues as the issue of Human Rights in terms of care in people's home is not covered by the Act.

6. HUMAN RESOURCES IMPACT

- 6.1 There is no human resource impact arising from this report.

7. CUSTOMER IMPACT

- 7.1 Service users will benefit from this more robust monitoring service.

8. EQUALITIES IMPACT ASSESSMENT (EIA)

- 8.1 The Equality Commission report relates to Older People but the responses by the council applies to all adult groups of working age up to the older service user.

9. ENVIRONMENTAL AND DESIGN IMPACT

9.1 There are no environmental & design impacts.

10. CRIME AND DISORDER REDUCTION IMPACT

10.1 There are no crime and disorder impacts.

11. HUMAN RIGHTS IMPACT

11.1 This report seeks to begin to ensure adults are protected from human rights abuse in their own homes

12. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

12.1 There are no Freedom of Information/data protection considerations arising from this report.

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BACKGROUND DOCUMENTS: Close to Home, Equalities Commission, November 2011.