

Bath & North East Somerset Council

DECISION MAKER:	Cllr Vic Pritchard, Cabinet Member for Housing Health and Social Care	
DECISION DATE:	On or after 2 nd October 2010	PAPER NUMBER 3
TITLE:	Policy Amendment re Suspensions of Placements in Care Homes	EXECUTIVE FORWARD PLAN REFERENCE: E 2180
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 Policy on Suspension/Restriction of Placements in Care Homes</p> <p>Appendix 2 Risk Assessment</p>		

1 THE ISSUE

1.1 Our current policy regarding refusing or suspending placements in 0 rated care homes or needs revising in the light of new legislation.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

1. The Council may suspend or restrict new placements with a care home where the Council has information which indicates that there is:
 - a. a serious current and ongoing risk to the health, safety or physical or mental wellbeing of service users which needs to be addressed before further placements are made or which cannot be addressed in the immediate future AND
 - b. Further admissions are likely to increase the risk to current service or potential service users to an unacceptable level.

2. Where a care home has a 0 rating on the CQC website following 1 October 2010 the Council may place people in the home provided certain safeguards are in place: (please see Appendix 1 Section 2 full policy for details of safeguards)

3 FINANCIAL IMPLICATIONS

3.1 The decision has no financial implications

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Promoting the independence of older people*

5 THE REPORT

Background.

A Single Member Decision was made in October 2009 to ratify a policy that B&NES Council would not place people in care homes that had a 0 star or Poor rating from the Care Quality Commission. The Primary Care Trust adheres to this policy informally and there is consultation across the Health and Social Care Partnership on individual decisions.

At times there are safeguarding referrals arising in residential and nursing care homes which have serious implications for the safety and wellbeing of other residents. It is a common approach to cease further placements to such homes in order to reduce risk to existing residents and avoid placing new residents at risk. This policy addresses this situation.

The ratings system previously in place under the Care Quality Commission of 0, 1, 2 and 3 star ratings will cease to exist from 1st October 2010. Since end of June 2010 there have been no star ratings awarded and in future reports will have to be considered on their merits.

Issue 1: We need to replace the 0 rating policy and provide a basis for fair, transparent and consistent decision making on whether to continue placements when a home presents with quality problems or an unacceptable report from CQC.

Issue 2: There are currently two large homes in B&NES where significant quality problems have been identified, CQC have inspected and awarded a 0 rating, but subsequent actions plans have been implemented such that CQC now agree that placements are appropriate. Nevertheless due to the Health and Social Care Act 2008 as it affects the CQC, the 0 rating is still carried on the CQC website.

Decision requested on Issue 1

The Member is requested to agree that :

The Council may suspend or restrict new placements with a care home where the Council has information which indicates that there is

**a serious current and ongoing risk to the health, safety or physical or mental wellbeing of service users which needs to be addressed before further placements are made or which cannot be addressed in the immediate future
AND**

Further admissions are likely to increase the risk to current service or potential service users to an unacceptable level.

Section 1 of the policy as set out in Appendix 1 uses the above form of words and in addition sets out:

- **The administrative procedures** for reaching agreement between officers from both Commissioning and Delivery parts of Adult Social Care and integrating the views of Health commissioners and clinicians. This includes the setting up of a task group for each case as it arises with representation from all interests.
- **Accountability.** The Task Group is accountable to the Divisional Director and through that role to the Chief Executive of the Health and Social Care Partnership
- **Good practice considerations** for the guidance for Officers, around transparency and fairness, consistency and a proportional approach, including imposing conditions short of a complete suspension of placements.

Decision requested on Issue 2

The Full Policy as attached, Appendix 1 Section 2, sets out the safeguards and procedures which must be in place to enable appropriate placements to be made in homes that carry a 0 rating acquired in 2010 but which have made satisfactory improvements.

6 RISK MANAGEMENT

- 6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

An equalities impact statement was carried out on the previous policy submitted in 2009. Another one is not required because the decision has no effect as far as can be told, on any of the equalities areas

8 RATIONALE

- 8.1 The rationale for this policy is that it enables the Council to make fair and transparent decisions in relation to providers who may be at commercial risk, whilst meeting its duty of care towards service users of commissioned Care home services. This policy amendment enables the council to do this in the context of the new arrangements for regulation of care homes under the Health and Social Care Act 2008 which commence on 1 October 2010.

9 OTHER OPTIONS CONSIDERED

- 9.1 No other options were considered.

10 CONSULTATION

- 10.1 *Staff; Other B&NES Services; Service Users Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

- 10.2 Copy sent for consideration by email

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Customer Focus; Human Rights; Health & Safety; Other Legal Considerations*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	<i>http://www.cqc.org.uk/guidanceforprofessionals/adultsocialcare/c hangestoourassessmentsystem/howwewillshareoldqualityratings.cfm</i>
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