

1. *It has been reported to UNISON that one of the IT drive systems used by Virgin Care crashed in December causing a loss of data from the 8th December 2017. This data is, apparently, unrecoverable. What impact assessment has been carried out to determine any potential risk to service users?*

Response:

Virgin Care has confirmed that a loss of operational data occurred in December 2017, this data related to activity recorded for operational purposes and contained no personal identifiable information. A hard copy of the data had been kept so it was possible to retrieve all lost data through manual entry. The purpose of collecting the data was to evidence the amount of activity specific teams undertook. This data is not a commissioning requirement and is purely for Virgin Care's internal operational management purposes. An impact assessment regarding the loss of the data was not required in this instance as it was related to internal operational data and this data was not directly linked to service delivery or service user records.

From an IT perspective Virgin Care are working with their data hosting partner to fully assess and understand what caused this issue. As part of this Virgin Care has reviewed internal data backup processes and introduced daily alerting to any inconsistencies in the backup datasets.

Council and CCG Commissioners will continue to review and monitor via our internal governance arrangements and specifically through the monthly Finance and Information Group.

- 2a. *What measures are in place for front line social care staff to ensure they are compliant with the Care Act and associated case law?*

Response:

Front line social care staff employed by the Council are supported to understand the legal framework in which they are working through a range of measures which include: training, professional supervision, auditing of case files and case discussions with their team/ manager or with a multi professional panel. The Principal Social Workers also provide monthly topic specific learning sessions which are open to all staff undertaking the Council's statutory social care duties. These sessions cover legislation, guidance, case law and local procedures relevant to the topic, recent sessions have discussed Direct Payments, Best Interest Decision Making and Charging for Social Care Services.

For frontline social care services commissioned by the Council there are a range of requirements for the provider regarding compliance with the Care Act. These include: expectations regarding case audits, a requirement that all

staff undertaking the delegated statutory social care duties must be legally literate both in regard to the legislation that applies to Adult Social Care and what that means in practice, a requirement for there to be a workforce strategy in place that supports the ongoing learning and development needs of the social care workforce. The Council also has a Legal Advice Protocol in place that outlines how access to the Council's legal team can be obtained by all staff delivering statutory social care functions.

All registered professionals also have a responsibility for their own learning and development in this area. Both Occupational Therapists and Social Workers are required within the HCPC Standards of Proficiency to be able to practice within the legal and ethical boundaries of their profession. For Social Workers this includes a requirement to understand current legislation applicable to social work with adults. For Occupational Therapists there is a requirement to know about current legislation applicable to the work of their profession.

2.b *Do front line staff have direct contact with legal services to ensure compliance with complex legislation?*

Response:

Direct access to legal services is available to Council employed front line staff. For services commissioned by the Council the Legal Advice Protocol outlines how this support can be accessed. It does request that all initial requests for advice on a matter are made via a senior social care manager. This is to ensure that the advice sought requires a legal rather than practice response. It also enables the Council to monitor these potentially complex situations and ensure that any additional advice or support required from the Council's lead professionals is provided. Once the request is received by legal services there is direct contact between the legal services team and the practitioners involved in the situation. The legal services team also attend the monthly topic specific learning sessions arranged by the Principal Social Workers.