Inquiry into regulation of care for older people

Cairn Housing Association

Can we be confident that the regulatory system is picking up on care services where the quality of care is poor?

SCSWIS recognises the need to take a proportion approach to inspection and regulation of care services. This is welcomed however there is no clear indication of what this means in practice since services with an ‘adequate’ score which one assumes provide a satisfactory service are subject to the same level of inspection as services with a ‘weak’ or ‘unsatisfactory’ scoring services. If an ‘adequate’ scoring service is not providing an acceptable level of service then it should be described differently as this causes confusion for providers, care staff and service users.

Focusing efforts on poorly performing services would however appear to be a sensible approach. In practice however the regulation and inspection regime must take into account the levels of service that providers are contracted to provide by commissioners and the level of resources therefore available via the contract.

Low level care services such as housing support often provide preventative type services. Sheltered housing is a case in point and this is approach is reflected in contract levels which are relatively low in value (cost per tenant basis) and with staff providing services to a relatively large number of service users at a single court therefore offering low level of direct contact time (measured on staff contact per service user per week or hour basis).

In addition in accommodation based housing support services, such as sheltered housing, it is not uncommon for an individual staff member to be providing both housing support and housing management services the latter being funded via the rental stream and regulated by the Scottish Housing Regulator.

Concerns about current approach to regulation of the sheltered housing services

A few examples are highlighted below

1. Changes to frequency of personal plan reviews

SCSWIS now require providers to review Housing Support Plans (Personal Plans) at least every 6 months, previously the Care Commission agreed to a 12 monthly minimum review timetable in sheltered housing. In sheltered housing this change significantly increases the administrative burden for our Sheltered Housing Services Managers (SHSMs) and the decision will actually reduce direct support provision for service users and lead to a diminution of the housing support service provided.
Cairn HA sheltered housing is a low level housing support service with SHSM time split equally between housing support and housing management. Take the example of a SHSM who works alone in a Court with 35 tenants (this is a very common scenario)

The SHSM works 35 hours a week therefore provides 17.5 hours of housing support time each week, this equates to 910 hours pa (excluding annual leave and other planned absences). With each Housing Support Plan taking 2 hours to complete (this is administration time i.e. meeting with tenant to agree the contents and then writing up the plan and not actually delivering any housing support services), undertaking this task twice a year equates to 140 hours pa (or 15% of housing support time available). With morning calls taking up to a further 1 hour per day, which equates to 5 hours per week or 260 hours pa, these two tasks will take up 400 hours of the housing support time available pa (44% of the housing support time available). In larger courts with one SHSM, again not uncommon, the impact is even greater.

The chance of increasing staff housing support resource is minimal and dependent upon local authority commissioners whose budgets are already stretched.

It should be noted that sheltered housing provides accommodation to a wide range of individuals from those with the most minimal support needs to those who may be in receipt of a wide range of other care services delivered by informal and formal carers (not however by Cairn HA staff). Our current policy recognises the differences and we seek to agree a housing support plan with each tenant

- within 2 weeks of moving into the Court or House
- with the first review being undertaken within 3 months of the initial Plan
- all subsequent Plans being reviewed at least every 12 months thereafter
- tenants are also able to review their Housing Support Plan outside of any planned review date.

Reviews of Housing Support Plans on a six monthly basis are felt to be inappropriate for the most fit and active. Furthermore some tenants, often but not exclusively the ‘fit and active’ currently participate in support planning reluctantly despite staff stressing the benefits.

A move to 6 monthly reviews is likely to have unforeseen consequences

- Increased administration time will result in reduction in the time available to provide services to individual tenants and this is likely to have the greatest impact on the most vulnerable.
- It is likely to be more difficult to attract ‘fitter and more able’ tenants to Courts as experience indicates they do not want to participate in such regular planning meetings. This will create less balanced communities which are more dependent upon external support for leisure and recreational activities which the fit and able
often arranged on behalf of the tenants at the Court. The loss of this resource will put increasing pressure on our staff for levels of support which cannot be delivered

- In many courts there are individuals who currently participate in support planning reluctantly feeling that housing support planning is unnecessary given their own assessment of their physical and social needs. **There is a real danger that reviewing Housing Support Plans more regularly will further alienate these individuals leading to a complete withdrawal from the housing support service.**
- Furthermore Care contracts at Courts are based on a block contract model - with Cairn HA being in receipt of a single fixed contract fee to deliver housing support services to all tenants in the Court. **As tenants withdraw from the housing support service it is likely to lead to a reduction in contract income which threatens income streams for staffing costs for the Association and ultimately the housing support service itself.**

2. Changes to notification requirements

SCSWIS have changed notification requirements and appear to seeking to bring a consistent approach for all care services. On the face of it consistency is to be welcomed however the application of a single approach to quite different services does not recognise the differing circumstances between models of care provision. This will not necessarily assist in identifying poorly performing services.

i) **Reporting of some events ‘immediately’.**

This will pose a significant challenge for Cairn HA given that our sheltered housing branches are made up of Courts which are dispersed over a significant geographical area for example in the North there are Courts in the branch in Wick and Thurso a distance of over 100 miles from the Inverness Office.

Notifications are required via the SCSWIS website and access to the system is carefully controlled by the Association because of confidentiality, data protection and commercial issues. SHSMs do not have direct access to the notification system so any required notification is made by the appropriate Branch Manager, or a senior manager of the association’s staff.

Take three examples

- Deaths outwith the court – SHSMs are not normally notified by health service colleagues of the death of a tenant who may be in hospital. We are dependent upon next of kin reporting details to us which often takes place many days after the death. Staff are often not given full details of the cause of death by relatives and we do not see death certificates. Deaths may also occur in hospital at weekends or other periods when staff are not on duty – sheltered housing is effectively a 9 – 5 Monday to Friday service.
• Reporting of infectious disease – SHSMs are not medically qualified to know if a number of tenants have an infectious disease or if tenants who are ill have the same disease. Health service colleagues (GPs and community nurses) do not share confidential medical information about tenants with us. Furthermore tenants do not necessarily disclose details of their health to staff making it very difficult to report an outbreak.

• Accidents or incidents in supported accommodation – there is a legitimate debate to be had about whether an accident or incident occurs during the delivery of the housing support service or not. Does a tenant tripping over a carpet in their home or in a communal area counts as an accident to be reported to SCSWIS – it is difficult to see how this example falls under SCSWIS remit given that no housing support service was being provided.

It is also noted that the SCSWIS timescales appear different to HSE timescales in respect of any injury or alike reportable under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations – this is unhelpful.

ii) Requirement to alert SCSWIS 3 months in advance of planned refurbishment or alteration or extension of premises

A number of issues arise

• The requirement now applies to housing support services despite the fact SCSWIS do not appear to have a remit to regulate accommodation aspect of our housing support services. The Associations landlord service is regulated and inspected by the Scottish Housing Regulator.

• Landlord and care services may in some cases be provided by different organisations. Landlords will not necessarily inform care providers of planned changes to the property 3 months in advance, or know who is in receipt of such care services.

• The lack of clarity about what is meant by refurbish or make changes to the existing property – does this cover all areas of a building, tenant’s flats or communal areas. What type of works are covered for example internal or/external decorations or replacement of fire alarm systems. The tenancy agreement already requires the Association to consult with tenants about such works.

• It is unclear why this requirement applies to housing support services but the requirement to notify SCSWIS of ‘significant equipment breakdown which may impact upon the health and safety of people using a service’ does not. The situation could arise where care provider is expected to notify SCSWIS of the planned replacement of a lift by the landlord but not when a lift breaks down.

Bob Pettitt
Head of Care and Support
Cairn Housing Association
24 August 2011