

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	21st June 2017
REPORT TITLE	Exercise of Delegated Powers - Kingsmead Nursing Home
REPORT NUMBER	OCE/17/013
LEAD OFFICER	Angela Scott
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1. PURPOSE OF REPORT:-

The purpose of this report is to inform Council on actions taken on behalf of the Council by the Chief Executive regarding Kingsmead Nursing Home.

2. RECOMMENDATION(S)

That the Council note the actions taken to secure the safe provision of services at Kingsmead Nursing Home.

3. BACKGROUND

3.1 In December 2016, the Care Inspectorate undertook an unannounced inspection of Kingsmead Nursing Home. The service was graded as follows against the Quality Standards:

- Quality of care and support – Unsatisfactory
- Quality of environment – Weak
- Quality of staffing – Unsatisfactory
- Quality of management and leadership – Unsatisfactory

3.2 In order to comply with the Care Inspectorate requirements set out in the December 2016 report, the provider was required, by the Care Inspectorate, to take immediate action to ensure the following requirements were met by 1st of June 2017:-

“Quality of Care and Support

- i. The provider must demonstrate that the service has systems in place to ensure that the needs of the individual residents are regularly assessed, monitored and adequately met;*
- ii. The provider must demonstrate that personal plans record all risk, health, welfare and safety needs in a coherent manner which identifies how needs are met;*
- iii. The provider must ensure that people using the service who experience behaviour changes have an appropriate assessment, and an individualised plan of care which sets out the actions to be taken to support their distress reactions. The provider must ensure that staff consistently respond promptly and appropriately to residents who experience distress. The provider must also ensure that staff are skilled to provide effective care and support in such instance;*
- iv. The approach to skin care and tissue viability requires to be improved.*

Quality of Environment

- i. The provider must ensure that all records and documents of a confidential nature are suitably stored and secured, to prevent breaches of confidentiality.*

Quality of Staffing

- i. In order to support ongoing staff training and professional development the provider needs to fully implement its staff development policy;*
- ii. The service develops separate training and encourages professional links for staff working in Crown Street.*

Quality of Management and Leadership

- i. The service provider must make significant improvements to ensure that there is effective concern and complaint management.”*

3.3 The Care Inspectorate (CI) and the Aberdeen City Health and Social Care Partnership (ACHSCP) had significant concerns about the lack of progress towards implementing the CI’s recommendations.

4. USE OF EMERGENCY POWERS

- 4.1 The Scheme of Delegation allows the Chief Executive to take “any action on behalf of the Council which s/he considers necessary in the event of an emergency - with emergency defined in accordance with that detailed in the Civil Contingencies Act 2004 - on the basis that any such action shall be reported to the next meeting of the Council or relevant committee or sub-committee as an item on the agenda.”
- 4.2 Given the concerns of the Care Inspectorate, the Chief Executive instructed the Head of Legal Services to terminate the contract between the Council and the service provider for service provision at Kingsmead with effect from 0700 on Saturday 1 April 2017, in order to secure the welfare of the residents of the nursing home. The action was deemed necessary in order to ensure the wellbeing of the residents of the home and ensure continuation of care and support for them. In addition, the Chief Executive took steps to:
- prepare a team to take over all aspects of the nursing home’s operation from 0700 on 1 April 2017;
 - arrange for Bon Accord Care (BAC) to prepare a strategy for assuming full responsibility of the home;
 - secure a short-term license with the owner of the building; and
 - authorise officers to incur the unbudgeted expenditure necessary to secure the welfare of the nursing home’s residents.
- 4.3 At all times, the welfare of the residents of the home was paramount.

5. CURRENT POSITION

- 5.1 Since 1 April 2017, BAC has taken on full operational responsibility for the continuing care at the home. They have ensured that they are CI compliant. The Care Inspectorate have visited informally twice since 1 April and have told officers that they are happy with the level of improvement seen.
- 5.2 The Council and the Aberdeen City Health and Social Care Partnership (ACHSCP) continue to provide support to BAC in terms of care provision and infrastructure support.

6. FUTURE PLANNING

- 6.1 As supported by the Council, the Nursing Home will continue to provide for the existing and equivalent cohort of services users. Further consideration is being given, as a matter of priority, to who will undertake that model of delivery in the longer term, as well as how the existing capacity might be developed. A report is scheduled to be

submitted to the meeting of Full Council on 21 June setting out an options appraisal.

7. POST INCIDENT REVIEW

7.1 A post incident review of the circumstances which led to this exercise of emergency powers has been undertaken. This review:

a) examines the particular events and situation at Kingsmead Nursing Home; and

b) assesses the effectiveness of, and lessons learned for, the system of risk management, including contract and supply chain management. The post incident review will be submitted to the Council's Audit, Risk and Scrutiny Committee.

8. FINANCIAL IMPLICATIONS

8.1 As indicated above, the actions which were taken to secure the safe provision of services to residents of Kingsmead Nursing Home required unbudgeted expenditure to be incurred.

8.2 This is currently estimated to total £56,000 for the first month of operation and £25,000 a month for the next five months. These figures are estimated at this stage as not all the staffing costs have been processed through payroll and the income for the client contribution is still to be processed.

9. LEGAL IMPLICATIONS

9.1 The Adult Support and Protection (Scotland) Act 2007 places duties on the Council to intervene to prevent harm to adults at risk including those affected by disability, mental disorder, illness or mental infirmity or who are unable to safeguard their own well-being. The Social Work (Scotland) Act 1968, and associated Acts, places duties on the Council to make suitable arrangements to provide care services to those assessed as needing such services.

9.2 A Licence to Occupy was entered into between ACC and the owner of the building to occupy the Kingsmead Care Home.

9.3 Bon Accord Care have been providing the services from 1 April 2017 in accordance with the Service Provision Agreement between ACC and BAC. Arrangements are being entered into with residents to formalise the changes in the care provider.

10. MANAGEMENT OF RISK

- 10.1 The actions taken, at very short notice, were carried out in recognition of the risk to the health and wellbeing of the residents of Kingsmead Care Home at that point in time. Evidence from other areas suggests that a sudden and unexpected move to a new home for elderly, frail residents can have a negative impact on their wellbeing and the Health and Social Care Partnership took the view that the best option was to enable the residents to remain in their own environment and provide improved care and support to them in the care home. Further, there were not sufficient other available care home places in the city at that point and some of the residents would have had to have been moved to a care home outwith Aberdeen, potentially causing them and their families further distress.

11. IMPACT SECTION

Economy - None directly.

People - The delegated powers described in this report were used to protect vulnerable people. The Local Outcome Improvement plan includes the following Improvement Outcome:-

"We will respond robustly and proportionately to concerns about the wellbeing and vulnerability of individuals and their risk of harm."

The Council also has a clear moral and statutory duty to protect citizens.

The further report to be submitted to the Council on future options for Kingsmead Nursing Home, will focus on options which best support current and future residents.

Place - None directly.

Technology - None directly.

12. BACKGROUND PAPERS

None.

13. APPENDICES (if applicable)

None.

14. REPORT AUTHOR DETAILS

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