

MEETING	PUBLIC BOARD MEETING 20 May 2020
Agenda Item Paper Number	7 CM/05/20/07
Agenda Title	Closed Cultures Update
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PURPOSE OF PAPER:

Actions required by the Executive Team:

- This is a paper for the Board to **Note**

1. Summary

- Our programme of work to continuously improve how we identify and respond to the risk of closed cultures is progressing at pace. In addition to the David Noble review recommendations, this work now incorporates the recommendations from part one of the Glynis Murphy review and will evolve further once we have recommendations from the second part of the review.
- The Glynis Murphy part two recommendations are due in the Autumn.
- The new team in post have focused on delivering urgent pieces of work to ensure people are safe in closed cultures during the COVID-19 pandemic and this will continue over the coming months alongside work to progress the longer-term activity.
- This document sets out the prioritisation of all in-scope activities for the Board to note. A key aspect of the work is engagement with people who use services and other stakeholders. This is more difficult in the current COVID-19 situation however, the priority for the project is to deliver the activity for the David Noble recommendations and start to address the Glynis Murphy recommendations including ensuring we deliver a programme of work to engage on our methodology changes.

2. Discussion and implications

2.1 The thematic aims for the programme of work are listed below, they will clarify how each of the activities contribute to the overall aim

- **1.CQC understanding:** We have an improved understanding within CQC of the risks and issues associated with closed cultures including human rights and abuse risks
- **2.System understanding:** There is a shared understanding beyond CQC of risks and issues associated with closed cultures, including human rights and abuse risks
- **3. Risk Identification:** We better identify risks of closed culture in services we regulate
- **4. Information sharing:** We have better information sharing with external stakeholders, with information about risk of abuse, human rights and closed cultures being shared from all relevant sources in a timely and regular manner
- **5.Risk response:** We have improved mechanisms in place to enable inspection teams to take action to address risk of a closed culture, including human rights breaches and abuse risks
- **6.Programme Effectiveness:** We focus on the right areas for improvement through the programme, with co-production with people who use services, their families, providers and other organisations supporting our decisions

2.1 What has been delivered so far?

David Noble Report Recommendation 2 - Easy access to all information held about a service:

The CQC insight tool was implemented in Dec 2019 for inspector use in Independent mental health and learning disability services. CQC Insight is an intelligence tool which brings together a range of data from different sources to help staff monitor potential changes to care quality and to support regulatory decision making.

David Noble Recommendations 3 - New Regulatory Assurance Framework has been agreed at ET: The model focuses on what assurance we need “now”, for example, to implement current recommendations work and what we need for CQCs future strategy. It covers the key decisions we make as an organisation and describes what actions we need to take to know we regulate to a high standard, including relevant key performance indicators.

David Noble Report Recommendation 4 - Legal (and policy) advice about non-publication of inspection reports: The advice has been produced and is now included in guidance for Inspectors.

David Noble Report Recommendation 5 - Complaints from Providers: A review of the complaint’s procedure was completed in March 2020. The review concluded the points raised by David Noble in the report have been superseded and addressed by the complaint process review which took place in 2016.

David Noble Report Recommendation 6 - Whistleblowing and speak up in CQC: formal apology: This has been delivered.

Supporting information (pre-COVID-19) that provides guidance to inspection teams on their role in identifying and responding to closed

<p>cultures has been published and is in use, supported by webinars. An update during COVID-19 and post COVID-19 is planned. This involved small-scale engagement with people who use services and their families. There is a focus in the supporting information on how to gather information, using the views and experiences of people who use services and their families and on identifying and responding to concerns about human rights and abuse.</p>
<p>Scenario testing Four scenarios with inspection colleagues for identifying and responding to human rights breaches in closed cultures have been completed for Mental Health. Adult Social Care scenarios will be completed post COVID-19.</p>
<p>A learning package for registration inspectors on their role where there may be a risk of closed cultures has been piloted through webinar in North and Midlands region. This is being uploaded to ED (our learning and development system) for wider roll out mid-May.</p>
<p>An intelligence model for supporting corporate well-led reviews this has been piloted with two providers. The pilots have been evaluated and standard output for future well-led reviews is being developed.</p>
<p>Qualitative risk briefings for Adult Social Care and Independent Health services (based on risk or inspection activity) will go live subject to development time from KPMG who are the consultancy company providing the display method for the briefings. The briefings will focus on risk identified from the content of Give Feedback on Care forms, complaints, whistleblowing and notification data.</p>
<p>A taxonomy We have been strengthening how we collect intelligence from people who contact us with information of concern. We are now able to report against population groups and protected characteristics as well as the location of care. We have introduced a 'desk aid' for colleagues in NCSC to use when answering calls to help them focus on the right questions to ask, to ensure we are collecting as much information as possible, and to help us identify safeguarding and vulnerable groups and look out for signs of closed cultures. This will be operational from 14 May.</p>
<p>A Logic Model and Theory of Change have been developed to identify the impact of closed cultures activities</p>

3. Closed Cultures ongoing work

Now: Current activities Apr-June 2020

David Noble recommendation delivery

Ref	Activity	Delivery Date
1	David Noble Report Recommendation 1 - Security and availability of inspection notes . The team is redeveloping the end to end process of collating and destroying all sensitive paper documents held by colleagues at home. This includes ensuring colleagues are holding all sensitive information securely in their homes (e.g. through a check similar to the conflict of interest) and a process to collect all paper currently in inspectors' homes for disposal.	June
2	David Noble Report Recommendation 2C - Easy access to all information held about a service : Scoping of further indicators and 'risk flags' for CQC Insight and the Intelligence risk model to support the Emergency Support Framework, which	June

	we are using to provide a structured framework for the regular conversations that inspectors are having with providers during COVID-19. Content improvements will be iteratively developed as business as usual activity, but this work will be subject to other COVID-19 priorities.	
3	David Noble Report Recommendation 7 - Speak up: feedback to complainants: Build confidence in the process for handling and implementing results of internal investigations - Human resources will be working with the 3 newly appointed Speak Up Guardians to ensure consistency and alignment across the system to the NHSE/I speak up policy and that of Providers/Trusts. We shall measure CQC current Speak Up Policy against the National Guardian's Office policy review framework and reflect on any feedback from employees as an opportunity to improve.	End June

Delivery of other activities

Ref	Activity	Delivery Date
4	Using lessons learned where closed cultures / human rights breaches have been uncovered on reinspection or via visits undertaken as part of the Interim Restraint, Seclusion and Segregation thematic report or Independent Care, Education and Treatment Reviews of people cared for in segregation in mental health hospitals. This will inform the approach to changes to our monitoring and inspection of these services.	End June
5	Scoping Development of communication tools/ skills for people who are non-verbal, to use by inspectors and MHA reviewers.	End June
6	Publish guidance for Inspectors on how CQC currently use surveillance installed by providers by end-June.	End June
7	Publish updated supporting information for inspectors on closed cultures for use with COVID-19 regulatory methods (Emergency Support Framework).	End May
8	Scoping Developing enforcement approach where risk of harm and/or risk of human rights breaches.	End June
9	Scope activity required to identify improvements needed to our use of intelligence to support the identification of risk of abuse and human rights breaches.	End June
10	Improvements in information sharing scoping activity will be completed to define an escalation process to share information of concern with local and national partners for mental health services.	End June
11	Scoping activity with Glynis Murphy is underway to identify the system improvement priorities we would like her to consider in part 2 of her report.	End June
12	Recruitment activity is ongoing to enable the vacant positions for the core project team to be filled.	End June

Next: July – Sept 2020

1. Activity to support Glynis Murphy review part two.
2. Conclusion of workshops to develop the Positive Behaviour Tool with Warwick University, testing of the tool and training material required will commence. This will be alongside outlining the potential methodology changes required.
3. Requirements gathering complete for determining sets of intelligence that will support detection of services with closed cultures. This will include taking forward recommendations from Glynis Murphy review.
4. Complete scoping activity to identify potential methodology changes and an implementation plan to support regulatory risk reduction/ responding to concerns to ensure human rights considerations and closed cultures issues are incorporated.
5. David Noble report Recommendation 3 –Further work underway to align this to current working and our new strategy. The resourcing of the new function is being developed currently as is the rollout of the new framework.
6. Commence the scoping activities to respond to the final RSS report recommendations.
7. Work will be progressed that has been identified through the scoping activities completed by June.

4.Conclusion and Next Steps

The programme of work for closed cultures is now supported by a core project team and a framework through the thematic aims. Urgent actions are being progressed whilst future actions are being considered in the programme plan with some actions already in scoping phase. The thematic aims will enable us to evaluate how successfully we influence and implement the changes required in how we identify and respond to the risk of closed cultures, through our regulation and with our system partners. The programme will report to the Board quarterly on progress.

Later: October 2020 onwards

1. To incorporate the Glynis Murphy report part 2 recommendations for surveillance into our position on surveillance for CQC and providers.
2. Take forward how can influence system improvement priorities identified in the Glynis Murphy part 2 with system partners.
3. Develop the approach and implementation plan for the methodology changes arising from Glynis Murphy report part 2.
4. Review of the provision of intelligence for Independent Health for mental health and learning disability services ensuring this is aligned to methodological, monitoring and reporting changes.
5. Incorporating lessons and requirements from the Closed Cultures programme into our future Operating Model.
6. Taking forward David Noble recommendation 3 through the re-examination of the number and benefit of our quality assurance processes is underway, which will enable recommendations to be provided on how to move this forward by the end of September.