

Judy Downey
Chair
Relatives & Residents Association

By email: helen.wildbore@relres.org

20 May 2021

Dear Judy,

Thank you for your letter expressing your concern about our role during the pandemic. I was disappointed that you chose to share your letter with the media before giving me the opportunity to reply.

I cannot agree with you that there has been lack of action by us, which in turn has left people who use adult social care services at risk. We have continued to monitor and inspect adult social care services during the pandemic. Between 1 April 2020 and 31 March 2021 this included:

- Reviewing 70% of adult social care locations;
- Inspecting 6367 adult social care locations, and;
- Approving 2113 beds in 144 services proposed as designated care settings.

In addition:

- More than a thousand adult social care inspections were prompted by information of concern from the public, care staff or other sources.
- 30% of our inspections included a review of infection prevention and control measures.
- Our Market Oversight work enabled Government to have good visibility of the financial impact of the pandemic on the sector and to inform their thinking about the Infection Control Fund and how to target it at those parts of adult social care that most needed it.
- Working with people who use services and their families, we have established a significant programme to transform how we regulate services for people with learning disability and autistic people. Only a few weeks into this work, we have restricted admissions to, or closed services, where people were receiving poor care.

The number of inspections we are carrying out is increasing as restrictions are eased and we are indeed focussing on services where we have the greatest concerns based on a variety of factors. Carrying out *routine* inspections would divert inspectors away from where we believe there is the greatest *risk* of poor care.

Care Home visiting

We understand that being able to see loved ones is vital to people's wellbeing and that being deprived of this over the past year has been extremely challenging and distressing for all concerned. Many of us here have relatives being looked after in health and care settings and have personally experienced the challenges of Covid.

Whilst we do not have the power under legislation to compel care homes to inform us of any changes to their visiting status, or to require providers to report data on levels of visiting, we have:

- Made clear to providers throughout the pandemic that when thinking about visiting, they have a responsibility to put the individual at the centre of the decision and that all decisions need to stay under review as circumstances change.
- Been explicit that blanket bans are unacceptable and may trigger an inspection.
- Signposted providers to good practice and resources to help them. This includes the [joint statement](#) we endorsed, published by you, National Care Forum, Skills for Care and the Care Provider Alliance. We have also continually highlighted the '[Partners in Care](#)' resources to support meaningful visits and information by the [Care Provider Alliance](#).
- Spoken to providers via our inspection teams to understand their approach to visiting, to ensure they are aware of the latest guidance, and to emphasise that all decisions need to stay under review as circumstances change.
- Gathered information from residents, relatives and loved ones about their experience of how visits are being facilitated. Our assessments also include consideration of local factors such as vaccination rates, number of positive cases, and infection prevention and control measures.
- Been clear with providers that if something changes and they are no longer able to follow government guidance, they should speak to their CQC inspector as soon as possible.
- Recommended that care home providers should be transparent about their approach to visiting with families and residents through publication on their website where appropriate or other forms of communication.
- Encouraged providers to complete the capacity tracker on care home visiting and used the information providers submit through the capacity tracker on care home visiting to inform our monitoring of services and to prioritise inspections.
- Undertaken 1282 inspections of care homes, and taken action in 5% of those, where we had concerns about visiting arrangements since the introduction of the updated government guidance on visiting on 8 March 2021.
- Taken action in every case where concerns were raised with us about 37 potential blanket bans, including following up with providers, inspecting, raising safeguarding alerts where appropriate, and following up with local authorities.
- Ensured all of our care home inspections include a mandatory question on visiting.

We will continue to follow up on any concerns raised with us about visiting arrangements with relevant care home groups, and any individual care homes.

As restrictions on care homes continue to be relaxed, we will continue to monitor the situation and support care homes to implement the new guidance.

Information from people, families and care staff continues to be vital to informing when, where and what we inspect.

Closed Cultures

With regard to closed cultures specifically, we had begun a programme of work before the pandemic, focussed on improving our detection of where closed cultures may be happening. We have highlighted to care homes that changes to people's usual care and treatment arrangements may amount to deprivation of liberty and have produced specific guidance on this for our inspectors. This risk is also guiding how we prioritise our regulatory activity over the coming months.

In most cases no single factor determines our decisions about where and when we inspect; decisions are made based on a variety of factors. As such, we are unable to respond to your request for information about how many inspections were triggered by concerns about a closed culture.

People's experiences of care

As one of our long-standing partners in our 'Tell us about your care' programme, we are grateful for any evidence you send to us of people's concerns about adult social care but as we have highlighted in our meetings, it is vital that the name of the service and/or provider about which there are concerns is shared with us so that the information can inform our regulatory work. We are working positively with other voluntary organisations in this area.

If you have evidence that people are unsafe or at risk of abuse, I think it is your duty to share this information with us and other relevant bodies. I would therefore ask you, as one of our long-standing partners to share the detail in relation to the examples in your annex with us so that we can take action.

You state that you have evidence of people experiencing potentially negative consequences of speaking up about their concerns and this prevents you from sharing information about specific care homes with us. Care homes are people's homes, and no-one should live in fear of being penalised for raising concerns. We are clear that it is not acceptable for people to be treated unfairly if they raise concerns and that appropriate action will be taken if we find providers failing in their responsibilities.

We already review how providers handle complaints when looking at how responsive and 'well led' a care home is, as well as checking with residents and relatives whether they know how to raise concerns and if they feel listened to.

All information shared with us remains anonymous and our inspectors are trained to plan and complete engagement and regulatory activities, including inspections, in such a way that they do not reveal the source of that information.

Any negative behaviour, or actions, on the part of the care home provider following the raising of a concern by a resident would be unacceptable. We will continue to highlight this to care homes and investigate any concerns that are shared with us.

Between 1 April 2020 and 31 March 2021, we received 94,370 individual pieces of feedback from people and care staff via our National Contact Centre and our 'Give Feedback On Care' online service. More than half of these related to adult social care services and all of that feedback has informed our action.

We are pleased at the trust people have in us as an organisation and I would urge you to share any information you have about specific care services or providers with us as part of our partnership with you and to encourage people who contact you to do so too.

Other points in your letter

With regard to your specific request that we should call for face to face contact between people who use services and health and care workers, we are clear that providers should be organising their services in ways that meet the needs of the people who use them, reflecting local public health guidelines.

We continue to highlight the evidence we have found regarding the issues facing health and social care services, alongside celebrating good practice, in our regular Covid-19 Insight reports, in our thematic reviews, and of course in our annual State of Care report.

I hope this letter outlines the significant body of work my team have carried out during the Covid period - and will continue to carry out, as we move into the recovery phase of the pandemic. As a partner, I would hope you will choose to work constructively with us to help safeguard those receiving social care support.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ian Trenholm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ian Trenholm
Chief Executive