



National Association for Safety & Health in Care Services

Volume 10 Issue 12 December / January 2016 / 17

Special points of interest:

- Networker London
- Consultations
- Fire RA

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NASHiCS e-News.



Last event for 2016 Networker London.

On a crisp sunny November morning **35 delegates** gathered at the London offices of **Pinsent Masons** for our Networker offering a stunning view over the Cityscape. The event covered two topics, Fire Safety and Corporate Manslaughter.

The first presentation from **Kizzy Augustin, Senior Associate**, explored many aspects of Fire Safety in the Care sector including a definition of who is “**the Responsible Person**”, a review of care sector prosecutions, an indication of penalties which could apply, and highlighting how individuals are responsible, as well as supporting companies who maintain and inspect components of a warning system.



Kizzy then paid attention to current trends which feature in regulatory action and shared her top tips to reduce exposure to liability.

After lunch we were very pleased to welcome to the event, **Mike Atkins from Crown Office Chambers** who was very involved with **this first corporate manslaughter case; R v Maidstone and Tunbridge Wells NHS Trust**.

He gave a very engaging and forensic examination of this case, of which the Trust was acquitted at trial in January 2016, including among many aspects the definition of Senior management.

Finally, **Mike** drew some conclusions as to how this case may influence the future of corporate manslaughter cases in the future.

Copies of both presentations were sent out to all who attended. *C. Jackson Nat Chair*

We received a note from Vivian who attended the London Networker.

‘Just a line to say thank you for an excellent day yesterday, the subject matter & the venue were really good and useful so well worth attending.’

Many thanks Vivien Crump Learning & Development Trainer Human Resources Royal Borough of Windsor & Maidenhead

Makes it all worthwhile- Editor.

National Executive.

2017 sees the election of members to the National Executive Committee.

Nomination requests for the 6 posts will be sent to you at the end of January.

Elections will be held during March.

Period of office is for two year commencing in June 2017 - 2019.

The success of the Association relies on those members who have the expertise, experience & concern for Safety & Health in Care Services and are willing to commit a few hours during the year to **NASHiCS**.

Your ideas are crucial to the Association

Events 2017.

Plans are already underway for events for 2017.

April 5th for a half day **Networker** and also the **AGM** - St Georges Hall, Liverpool.

September 12th-13th for the **National Health & Safety Conference**, and the return of the **Safety in Care Awards**.

To be held at Hellidon Lakes Hotel & Spa, Daventry, Northamptonshire.

Look out for the details published shortly.

Sponsor? Contact **National Chair** discuss options to promote large or small packages and support **NASHiCS** too.

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Please do not forward to non-members.
Membership fees maintain our Association & benefits.

Reminders for open consultations Just in case you missed them

Gas safety consultation.

HSE is consulting on changes to the Gas Safety (Installation and Use) Regulations 1998 (GSIUR) – The changes include making the timing of landlords' annual gas safety checks more flexible, and clarifying that only gas safety defects should be recorded.

Respond to the consultation using the online questionnaire or download a Word form. The HSE preference is for responses to be in electronic format but alternatively, you can submit your response by post.:

Consultation began on 7 November 2016 and Closes on 27 January 2017.

<http://tinyurl.com/jsf9v1x>

Work, health and disability: improving lives. Consultation.

The **Dept. of Work and Pensions** is seeking views on what it will take to transform employment prospects for disabled people and people with long-term health conditions.

They want to hear views from a range of respondents including:

- people with health conditions and disabled people
- both large and small employers
- health and care professionals
- families, friends, teachers and carers
- local leaders and commissioners in health, social care and local authorities
- voluntary and community organisations

Closes 17 Feb 2017.

<http://tinyurl.com/z5rtggc>



Health and Social Care Transformation – Consultation.

Criteria for Reconfiguring Health & Social Care Services.

The Department of Health is seeking the views of the public and stakeholders on the 7 criteria contained in the Expert Panel report “Systems, Not Structures: Changing Health & Social Care”.



Department of Health

Closes 20 January 2017 at 17:00.

<http://tinyurl.com/h4dqyff>

Records Management Code of Practice for Health and Social Care 2016. Consultation.

Welsh Government want your views on the Records Management Code of Practice for Health and Social Care 2016 and its future implementation in Wales.

<http://tinyurl.com/jlwj7af>



Llywodraeth Cymru
Welsh Government

Closes 9th February 2017

Get Ready for Winter.

The Met Office is hosting the 'Get Ready for Winter' web pages on behalf of a range of Government departments and voluntary organisations. It offers advice and links to a range of information to help individuals, families and communities prepare for every aspect of the winter season. <http://tinyurl.com/zrzyrck>

Cold start to 2017.

With temperatures falling, providers will need to put their winter plans into effect. There is plenty of information for you at:

Public Health England: <http://tinyurl.com/op87os5>

(see pages 36 and 37 for action lists for care providers and frontline staff)

Age UK <http://tinyurl.com/hlkvfp4>

Scottish Government <http://tinyurl.com/jrg2s92> and

<http://tinyurl.com/bl764bp>

Northern Ireland <http://tinyurl.com/zn3sjqz> **Wales:** <http://tinyurl.com/hgkzw3t>

NHS <http://tinyurl.com/gweqp7f> **RAC** <http://tinyurl.com/j9cjnab> (Vehicles)

Winter Gritting/Snow Clearing - What do I have to do?

What is the correct action to be taken when routes/paths within an organisation's site become affected by snow and ice.

Establish a system for controlling the hazards of snow and ice should be introduced across sites. The guidance below demonstrates reasonable lengths in managing the hazards of snow & ice within the grounds of a site.

<http://tinyurl.com/jg99wbr>

Clear snow from a road, path or cycleway <http://tinyurl.com/mpua2bm>



Adult Social Care complaint reviews.

The **Local Government Ombudsman** has published its annual report showing their picture of the state of adult social care complaints. They include all of their complaint statistics (complaints and enquiries received and the decisions made) for private social care providers and local authorities.

The **Ombudsman** can investigate complaints about adult social care regardless of whether the care has been arranged, funded, commissioned or provided by a local authority, or by an individual using their own money.

This data is published to support the openness and transparency of the complaints system, and to contribute to ongoing work across the health and social care sector to ensure complaints are welcomed, responded to, remedied and lessons learned.

Received 2,969 complaints & enquiries.

Since 2014/15 **6% increase** in complaints & enquiries received.

19% increase in number of independent providers they have received complaints about.

21% increase in complaints and enquiries about care arranged privately with independent providers.

You can view details in full here from years 2013 to 2016 <http://tinyurl.com/jph2v9x>

Visiting rights in care homes.

To help the public and care home providers, the **CQC** has published information outlining the rights and the care home's obligations when visiting.

<http://tinyurl.com/jox2wfb>

Increasing risk that CQC will have to notify councils of failing care providers.

There is an increasing risk that the **CQC** will have to notify local authorities that care providers are failing to meet their legal responsibilities, unless the social care crisis is addressed, the regulator's **CEO** has said.

David Behan told the **Health Select Committee** at the beginning of December that some care homes are approaching level 6, the most severe **CQC** intervention, where the regulator warns the local council that the provider is breaching its legal responsibilities.

More>> <http://tinyurl.com/jpy3u8h>

HSE's annual statistics - Work related stress

Work related stress remains one of the top causes of sickness absence.



HSE
Health & Safety
Executive

- ◆ HSE has published its latest Health & Safety at Work statistics for 2015-16: **Stress is more prevalent** in public service industries, such as education; **health and social care**; and public administration and defence. By occupation, jobs that are common across public service industries (such as **healthcare workers**; teaching professionals; business, media and public service professionals) show higher levels of stress as compared to all jobs.
- ◆ The **main work factors** cited by respondents as causing work related stress, depression or anxiety were workload pressures, including tight deadlines and too much responsibility and a lack of managerial support.

<http://tinyurl.com/gtwrr6u>

CMA launches market study into adult social care sector.

The Competition and Markets Authority (CMA) watchdog has launched a market study into adult social care to review care homes' treatment of residents and how well they work.

The study will assess how the UK's 430,000 care home residents and their relatives have found the experience of choosing a care home, explore how well the sector's current complaints system protects residents, and how well care home providers comply with consumer law obligations.

More>> <http://tinyurl.com/hlra23n>

Deaths of people with learning disabilities or mental health problems not always given adequate attention, families report poor experience of investigations.

CQC report of the way **NHS** trusts review and investigate deaths has found that opportunities to learn from patient deaths are being missed – and too many families are not being included or listened to when an investigation takes place.



Majority believe abuse and neglect in care homes is common.

Over half of British adults (52%) believe that abuse and neglect in care homes for the elderly is common. Of those, many say their opinion is based on personal experience – either knowing someone in a care home (15%), working in a care home (5%), or hearing personal experience from others (25%).

The findings come from new research from Independent Age, the older people's charity, which is calling for new measures to understand the scale of the problem.

<http://tinyurl.com/he3aqmb>

Residential care home fined after resident choked to death.

A care home **Marlborough House** based in Fleet, Hampshire has been fined after an elderly resident who had difficulties swallowing choked to death on food which had not been cut up.

The family had left clear instructions with the home verbally and in the form of a laminated card which clearly explained how her food needed to be cut into small pieces to avoid the risk of choking.

Craysell Limited, of **Hoppingwood Farm**, was fined **£80,000** and full costs of **£19,631**.

HSE inspector **Andrew Johnson** said after the hearing: "This was a completely avoidable tragedy.

More>> <http://tinyurl.com/hcxh7tl>

Health officials have launched an investigation into standards of care

at a residential home for the elderly on the outskirts of Belfast.

New admissions to the home **Dunmurry Manor** have been suspended.

The investigation was ordered following complaints over standards of care and "a number of concerns raised about the home."

[Details Here](#)

Concern is mounting over the future of a loss-making care home for elderly people with dementia in Argyll.

The **Auchinlee home** in Campbeltown is run by **Crossreach**, a social care charity linked to the Church of Scotland's Social Care Council.

Crossreach has been subsidising the cost of running the home for several years but argues this has become unsustainable.

More>> <http://tinyurl.com/zwpbjm2>

Housing association prosecuted for safety failings.

A housing association has been prosecuted after allowing renovations to take place that put residents at risk of carbon monoxide poisoning.

Dumfries & Galloway Housing Partnership Limited, Scotland's second largest registered social landlord, had allowed chimneys to be removed from properties. It was later discovered during annual gas checks that the chimneys acted as the necessary gas flue for adjacent properties.

HSE's investigation revealed that there was no procedure in place for the company's workers to follow in respect of this type of work, neither were any risk assessments carried out in relation to the chimney removals which would have identified the risk to **carbon monoxide** poisoning for the residents. Fined **£8,000**.

Around seven people die each year from carbon monoxide poisoning caused by gas appliances and flues that have not been properly installed, maintained or that are poorly ventilated.

<http://tinyurl.com/hz3vtcp>

Hospital fined after safety failings led to dementia patient's death.

Norfolk and Suffolk NHS Foundation Trust has been fined **£366,000** after the death of a patient on a specialist dementia ward.

The 78yr old had been admitted to the **Julian Hospital**, September 2014. The following month she was reported missing and was found face-down in a bath full of water in one of the bathrooms on the ward.

HSE investigation found the Trust did not have sufficient policies or procedures in place for managing the safety of patients. They had failed to complete an appropriate risk assessment.

Fined **£366,000** and costs of **£12,888.48**.

More>> <http://tinyurl.com/h5jz8v5>

Morleigh Group in Cornwall.

The **CQC** has published the full findings of its inspections of four nursing homes.

All four homes have been rated Inadequate and placed into special measures following the inspections. **CQC** is currently taking further action to protect the safety and welfare of all the people living at the homes.

<http://tinyurl.com/gn63uxp>

An elderly person was found keeping warm with a dodgy 50 year old electric blanket.

Shocked officials were doing safety checks when they discovered her 1966 antique.

It was one of 177 faulty electric blankets found across Oxfordshire. The County Council said "the old wiring could have become exposed and burst into flames" It recommended dumping devices over ten years old (Article seen in the Sun newspaper)

Outstanding Quality of Care.

The **CQC** has found the quality of care provided by The **Byars Nursing Home** in Caythorpe, Nottingham, to be Outstanding overall following an inspection carried out last September.

<http://tinyurl.com/jq8rczp>

The **CQC** has found the quality of care provided by **Cornmill Nursing and Residential Care Home** in Garstang, Lancashire to be outstanding following an inspection last October.

<http://tinyurl.com/h7sdrpz>

The **CQC** has found the quality of care provided by **Fielder Lodge** in Eccles, Manchester to be outstanding following an inspection last September.

<http://tinyurl.com/jl9ufoh>

Nutrition and Hydration Week 13th - 19th March 2017.

Just under three months away from the week in in 2017,

<http://tinyurl.com/z8kkrw>



Fire Risk Assessments in Care Homes; Corridor Lengths - How Long is Too Long?

Adrian Gouldin BSc (Hons) MRICS GFireE reports on evacuation issues associated with residential Care Homes and suggests assessments that should be carried out.

Our thanks to Adrian for his article <http://tinyurl.com/ju9z6z3>

We appreciate articles from members on Health and safety subjects.

Send them to Administrator@nashics.org



House of Lords debate highlights unsung role of care workers.

The skilled role of care workers has been highlighted in a House of Lords debate on social care by Baroness Cavendish.

"Actually, to go into an elderly stranger's home and cope with whatever you find there, to feed someone who cannot swallow properly and to lift someone with dignity is a hugely skilled task that requires considerable maturity. Too often we still refer to those tasks as "basic" when actually they are anything but."

Part of the transcript of the debate - see whole below.

<http://tinyurl.com/ho6jgh4>

Providers of Health and Social Care (Schemes under Section 71 of the National Health Service Act 2006) Bill 2016-17

Private Members' Bill (Presentation Bill)

First Reading Commons 4 July 2016

Second Reading Commons 24 March 2017

Summary of the Bill.

A Bill to amend section 71 of the National Health Service Act 2006 to enable schemes under that section to make provision to meet liabilities of health and social care providers in respect of integrated health and social care services.

CQC's State of Care report.

As of 17 November 2016, CQC had rated 19,155 active adult social care services. These include:

231 (1%) Outstanding

14,120 (74%) Good

4,410 (23%) Requires Improvement

394 (2%) Inadequate

CQC launches consultation on its next phase of regulation.

The **CQC** is inviting people to give their views on its plans to deliver a more targeted, responsive and collaborative approach to regulation across health and adult social care in England.

The consultation is open for eight weeks. **CQC** expects to formally respond to the feedback from the consultation in spring 2017. **Closes on 14 February 2017.**

<http://tinyurl.com/jpyqvgw>

Measures to improve mental health in Scotland set out by MSPs.

Following an inquiry into the provision of mental health services for children, adolescents and adults, MSPs on the Health and Sport Committee have set out a number of key issues which they believe will improve mental health treatment in Scotland.



<http://tinyurl.com/joz2vpg>

When choosing a new fire alarm system installation one of the decisions to be made is whether to have a wired or wireless fire alarm system.

Item from IFCE Global

<http://tinyurl.com/gwu5kyv>

Consultation.

Welsh Government want your views on regulations which introduce changes to local authority charging for social care and support.

The regulations will amend the existing rules set out in Parts 4 and 5 of the Social Services and Well-being (Wales) Act 2014.



Llywodraeth Cymru
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Consultation on changes which are planned to take effect from the 10 April 2017 **ends 25 January 2017**

More>> <http://tinyurl.com/jaldaty>

MCA and National Mental Capacity Forum (Video)

<http://tinyurl.com/hnk87hb>

Government revises Care Act guidance after Supreme Court loss.

The D of H has reviewed and updated the guidance following the Supreme Court judgment in July in the case of R (on the application of Cornwall Council) v Secretary of State for Health.

The updates, which can be read from **paragraphs 19.17 to 19.43 of the guidance**, set out changes in the approach that should be used to determine ordinary residence or disputes between councils in relation to adults who lack capacity to decide where to live and looked-after children who are transitioning to certain adult social care services.

More on this case>> <http://tinyurl.com/jhl4ucw>

The Chair and the National Executive of NASHiCS wish you a
Very Happy and Healthy New Year 2017.