



Using Resident Scrutiny to drive housing and care accountability

This case study looks at the innovative approach used by Central & Cecil to promote resident scrutiny of both housing and care services, using techniques drawn from housing to promote bottom up accountability to tenants and service users.

Written for the Housing Learning and Improvement Network by
Phil Morgan

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Introduction

One of the major shifts in regulation of social housing has been away from 'traditional' regulation through prescriptive direction and inspection towards a more 'co-regulatory' approach that emphasises the role of tenant scrutiny of services. Like many social landlords, Central & Cecil set up a Resident Scrutiny Panel to fulfil the role of tenant scrutiny. The Panel operates to set Terms of Reference and looks at Key Performance Indicators and progress on complaints.

Summary

The innovative approach for Central & Cecil has been to apply resident scrutiny not just to its housing services, as required by the regulatory framework for housing, but also its care services. This has included a number of novel approaches:

- Recruitment of residents from care homes to the Resident Scrutiny Panel
- Recruitment of relatives of residents from care homes to the Resident Scrutiny Panel
- Care items including care complaints and safeguarding reports on the agenda
- Portfolio Holders from the Panel on a range of issues with explicit coverage of both housing and care regulation for each topic
- Member of the Panel on the Central & Cecil Safeguarding Board

The Board of Central & Cecil have welcomed the positive contribution of the Panel and have decided to disband the current Operations Committee and for the Scrutiny Panel to pick up many of the roles of the Committee.

About Central & Cecil

Central & Cecil is a not-for-profit registered provider that has offered housing, care and support to vulnerable people for over 85 years. Central & Cecil was founded in 1926 by the journalist, Mrs Elizabeth Chesterton, who, following a bet with her boss, the Editor of the Sunday Express, spent 14 days and nights on London's streets to investigate the plight of homeless women. Her experiences were then serialised in the Express before being transformed into the best-selling book, 'In Darkest London'. Soon after publicising her experiences, she set up the charity Cecil Houses, named after her husband. Over the last 20 years, Central & Cecil has grown mainly through mergers with similar organisations. Significant mergers have included the Central London Housing Trust in 1993, which gave the organisation its modern name, the Hampstead Old People's Housing Trust in 1995 and Cara Housing Association.

Most recently Central & Cecil's first extra care housing scheme, Alexandra Place, developed in partnership with Wokingham Borough Council, Catalyst Community Housing, Housing 21 and Leadbitter, was opened by HRH Duchess of Gloucester in November 2011. This scheme won the Most Innovative Supported/Sheltered Housing Scheme in the Housing Innovation Awards.

Central & Cecil are mainly based in London but also have properties in Luton, Berkshire and the Midlands. They provide over 2,200 homes for residents (check), including 2,000 sheltered accommodation homes and 9 care homes.

The requirements of Housing Regulation

The basis of housing regulation was set out in the Housing and Regeneration Act 2008. This replaced the previous approach which was for the Housing Corporation regulating Housing Associations through a Regulatory Code, and for the Audit Commission, through the Housing Inspectorate, to inspect both Housing Associations and Local Authority owned housing. The Cave Review (2007) set out recommendations for change including a single regulator. The social housing regulator is currently based in the Homes and Communities Agency and regulates through a series of standards in a regulatory framework.

The Housing and Regeneration Act 2008 was amended by the Localism Act 2011 which set out the concepts of 'economic' and 'consumer' regulation. Economic regulation covers a series of standards including governance, financial viability, rents and value for money. Governance and financial viability for housing associations are actively regulated by the social housing regulator and annual judgements released. Consumer regulation covers all social landlords on standards including tenant involvement, a range of services such as repairs and maintenance, tackling anti-social behaviour, Decent Homes and neighbourhood management. Consumer regulation is principally left with landlords to deal with and underpinned by regulatory requirements on tenant scrutiny and dealing with Complaints. In addition, the social housing regulator has the option to intervene in cases of serious detriment to tenants.

This approach is underpinned by co-regulation. Co-regulation means that the Boards of landlords are fundamentally responsible for delivering housing objectives and complying with the standards. This includes being transparent and accountable and ensuring tenants have the opportunity to shape services and hold landlords to account.

The specific regulatory requirements on Central & Cecil include setting up and supporting a Scrutiny Panel and responding in a constructive and timely way to them.

The requirements of Care Regulation

The Care and Quality Commission (CQC) is the regulator for all care services including 18,000 registered care homes. All homes providing care have a Registered Home Manager. All Home Managers are interviewed by the CQC to gauge suitability for the role. The CQC inspects care homes, including Central & Cecil's. There are six areas that the CQC consider:

- Involvement and information;
- Personalised care, treatment and support;
- Safeguarding and safety;
- Suitability of staffing;
- Quality and management;
- Suitability of management.

Within these six areas there are 28 outcomes for compliance including a requirement for "respecting and involving people who use services".¹ This includes meetings with residents and/or relatives. CQC guidance refers to involving people "who use services, we mean enabling people to get involved in the planning and delivery of their own care, treatment and

¹ Care Quality Commission *Essential Standards of Quality and Safety 2010*, p. 10

support. This includes people acting on their behalf and groups of people who use services being involved together, for example through local involvement networks or a user forum.”²

However there is no equivalent to tenant scrutiny.

The CQC is developing a range of mechanisms to gain better intelligence and strengthen early-warning systems. This will include information from local Healthwatch organisations.³

There are Local Authority Adult Safeguarding Boards, which bring together a wide range of agencies dealing with adult care and hold formal Case Conferences. Local Authorities also have an important role as commissioners of care and support services and monitoring delivery of those services against contract terms and industry quality standards.⁴

All care staff have to be trained, including Local Authority courses, and receive mental capacity training.

The Government is proposing a range of changes following the Winterbourne View Review.⁵ These state that the primary responsibility for the quality of care rests with the providers of that care (which is parallel to that for Boards of landlords for social housing).⁶ There are already requirements in law for providers to take into account the “views of people who use services about their experience” and CQC’s future (unannounced) inspections will “employ people who use services and families”.⁷

The approach of Central & Cecil to care and safeguarding

All care residents have a number of Care Plans covering assessments in different areas. These are collated in a Care Planning Package which includes documentation and is subject to regular review. The Home Manager is responsible for ensuring the Packages are delivered. These Managers report to Deputy Directors of Care who in turn report to the Head of Care and the Director for Resident Services.

Central & Cecil log all safeguarding alerts. These form part of reports on care complaints and safeguarding which are received by both the Operations Committee and the Resident Scrutiny Panel. All safeguarding Red alerts are also shared with the relevant Local Authority who have the responsibility for making the decision if the incident is to be investigated by the police, social services, or there can be an internal investigation. CQC have to be informed of all safeguarding incidents.

These reports also cover all care complaints including which stage they have got to (typically a three-stage process), action taken and learning outcomes.

² Ibid p.33

³ James Berrington, *Managing risk: Lessons from Southern Cross for the specialist housing with care and support market*, on behalf of Housing LIN

⁴ Ibid

⁵ Department of Health, *Transforming care: A national response to Winterbourne View Hospital*

⁶ Ibid p.30

⁷ Ibid

Regulatory comparisons

Topic	Housing	Care
Standards or Areas	Yes (6)	Yes (6)
Involvement requirement	Yes - in the standards and on a collective basis	Yes - in the outcome areas and on an individual basis
Inspection	No - only by exception to check serious cases	Yes - on a regular basis
Scrutiny requirement by service user / tenant	Yes	No
Relationship with Local Authority on services	Primarily partnership basis	Yes - through Adult Safeguarding Boards
Relationship with service user / tenant	Through tenancy agreement and broad commitment to provide services	Through agreed care package
Responsibility for meeting requirements	Board	Providers of care including boards and senior managers

Current status of the Resident Scrutiny Panel

The Panel has been in place for 2 years. It currently has a full complement of 12 members, including two from a care background (one receiving care and the other a relative of a resident receiving care). In addition, there are two reserve members, who receive papers and are able to attend meetings, in support of a succession strategy if members of the Panel leave. Recruitment is open to all residents and interviews are held against a person specification.

Terms of Reference

The work of the Panel is governed by Terms of Reference which set out the responsibilities of the Panel. The Terms of Reference include Objectives, Scrutiny, Membership, Complaints, Communication, Review, Effective Running and items not covered by the Panel. There is also a Code of Conduct.

Objective	Housing	Care
Consider and agree 'service offer'	Yes	Yes
Local Service Offers	Yes	Yes
Monitoring Performance Indicators	Yes	Yes
Annual Report to residents	Yes	Yes
Approach to involvement	Yes	Yes
Final Stage of Complaints Process	Yes	Yes

Recently the Panel considered a more strategic approach to their work. This has resulted in a Workplan that focuses on key areas such as:

- Carrying out Service Reviews of specific areas of work
- The role of the Panel on Complaints
- Reviewing the effectiveness of the Involvement Policy
- An Annual presentation to the Board
- Reviewing the Central & Cecil Investment Plan

This is supported by a Training Plan and support from the Panel's critical friend.

Review of the Panel

The Panel was subject to a Review in 2012. The Review concluded "The Resident Scrutiny Panel has evolved impressively over the past year and is well run and effective. It is genuinely resident-led and has a positive impact on the work and culture of Central & Cecil. This includes participating in setting and monitoring performance on service standards. There is a clear relationship with decision-making structures within Central & Cecil. The Panel is resident-led, including setting the agenda with the opportunity to develop this further."⁸

As a result of the Review, the Board of Central & Cecil have decided to disband the current Operations Committee and move some of their responsibilities to the Scrutiny Panel. Preparations for this include liaison with the Board and Lead Board member, staff shadowing and an annual presentation to the Board of the work of the Panel. Minutes of the Panel are a standing item on the Board agenda and allow the Board to see the work of the Panel.

In addition, the Panel is seen as part of the succession strategy for the two residents Board Member places on the Central & Cecil Board, and the most recent resident Board Member was drawn from the Panel.

Use of an Action Table

The Panel use an Action Table that allows joint decisions with staff to be captured. There are two versions of the Action Table – a 'rolling' version and a 'master' version. The master version captures all the actions, including those that have been completed. The rolling version is tabled at every meeting and completed actions removed from the report. The Table allows accountability for agreed actions and a clear summary of the achievements of the Panel.

Example 1 – recruitment to the Panel

Central & Cecil recruited a resident from a care home to the Resident Scrutiny Panel. This resident and their contributions then resulted in an awareness by the Panel as a whole of the care services of Central & Cecil. Although this member has now left the Panel (as he moved landlords) the Board of Central & Cecil decided that they would want at least two residents from a care background to be members of the Panel. In acknowledgement of the issues faced by some residents they also decided to widen out the recruitment to include relatives of residents receiving care. Following the most recent recruitment exercise a resident and a relative of a 93-year old resident receiving care have both been recruited to the Panel.

⁸ Phil Morgan, *Review of Central & Cecil Resident Scrutiny Panel 2012*, unpublished

Example 2 – care items on the agenda

Central & Cecil, partly in response to queries from the resident receiving care on the Panel, introduced care items onto the agenda of the Panel. These have included regular quarterly reports on care complaints and safeguarding. Neither are required by either housing or care regulation but they do use the principles of bottom-up accountability used in housing regulation to support care regulation.

Example 3 – Portfolio Holders

Central & Cecil and the Resident Scrutiny Panel have agreed and implemented Portfolio Holders. This is where members of the Panel take responsibility for an area of work and link with a Key Staff Link for that area. This increases the Panel's awareness of the work of Central & Cecil both individually and collectively. For each area of responsibility there is a specified regulatory outcome area covering both housing and care regulation separately.

Example 4 – Safeguarding Board

In addition, a member of the Resident Scrutiny Panel is also a member of Central & Cecil's Safeguarding Board.



Resident Scrutiny Panel 2011

Conclusion and key learning points

Public services are both increasingly in demand and facing restrictions on resources. Central & Cecil have introduced a range of innovations to support scrutiny of both housing and care. Although the approach to resident scrutiny has come from the housing sector it can be applied more generally and can be used to drive accountability, a user driven culture, improved services and value for money across different areas.

Key Learning Points for Housing providers with care responsibility:

Be aware that resident scrutiny can include care services. Revisit your Scrutiny Panel arrangements so that there is coverage of care issues, including complaints and safeguarding reports, and people (or their relatives) receiving care services are included in your scrutiny arrangements.

Key Learning Point for Care Providers:

that the scrutiny model can apply to care provision and supports the wider concepts of involving people who use care services, improving accountability and tackling some of the concerns raised by the Winterbourne View review about ensuring provision of services.

Key Learning Point for CQC:

that Scrutiny Panels offer a way of ensuring a service user driven approach to supporting robust regulation, and can be part of the evolving role of local Healthwatch bodies.

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Note

The views expressed in this paper are those of the author, and not necessarily those of the Housing Learning and Improvement Network.

About the author

Phil Morgan is an independent consultant working in tenant scrutiny, involvement and regulation. He is also a commentator and speaker. He can be contacted at: phil@philmorgan.co.uk

About the Housing LIN

Previously responsible for managing the Department of Health's Extra Care Housing Fund, the Housing Learning and Improvement Network (LIN) is the leading 'learning lab' for a growing network of housing, health and social care professionals in England involved in planning, commissioning, designing, funding, building and managing housing, care and support services for older people and vulnerable adults with long term conditions.

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The Housing LIN welcomes contributions on a range of issues pertinent to housing with care for older and vulnerable adults. If there is a subject that you feel should be addressed, please contact us.

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Housing Learning & Improvement Network
c/o EAC,
3rd Floor, 89 Albert Embankment
London SE1 7TP

Tel: 020 7820 8077
Email: info@housinglin.org.uk
Web: www.housinglin.org.uk
Twitter: [@HousingLIN](https://twitter.com/HousingLIN)