

Council, 11 February 2016

In Search of Accountability: A review of the neglect of older people living in care homes investigated as Operation Jasmine (2015) – an update for Council

Executive summary and recommendations

Introduction

The Welsh Government published a review of care failings in a number of care homes as investigated under Operation Jasmine in 2015. Operation Jasmine was a major Gwent Police investigation which focused on a number of suspicious deaths in care homes owned and run by two general practitioners in south Wales. It was launched in 2005 and cost £15 million. However, to date no prosecutions have successfully been brought against the owners of these care homes.

The review was carried out by Dr. Margaret Flynn, the Chair of the Lancashire Adults' Safeguarding Board and author of the Serious Case Review at Winterbourne View Hospital. The report makes a number of recommendations. This short paper is a summary of the main points which are pertinent to the HCPC and other regulatory bodies for the information of Council. It also explains our response to the recommendations made by the review which are relevant to us and other regulatory bodies.

Decision

This paper is for information purposes only; no decision is required.

Background

In Search of Accountability: A review of the neglect of older people living in care homes investigated as Operation Jasmine (2015) report.

<http://gov.wales/topics/health/publications/socialcare/reports/accountability/?lang=en>

Resource implications

None

Financial implications

None

Date of paper

1 December 2015

In Search of Accountability: A review of the neglect of older people living in care homes investigated as Operation Jasmine (2015) – an update for Council

1. Introduction

1.1 The Welsh Government has published a review of care failings in a number of care homes as investigated under Operation Jasmine.

1.2 Operation Jasmine was a major Gwent Police investigation which was launched in November 2005 and cost £15 million. It focused on a number of suspicious deaths in care homes owned and run by two general practitioners in south Wales. To date no prosecutions have successfully been brought against the owners of these care homes.

1.3 The review was carried out by Dr. Margaret Flynn, the Chair of the Lancashire Adults' Safeguarding Board and author of the Serious Case Review at Winterbourne View Hospital.

2. Pertinent issues

2.1 From a regulatory perspective the review mainly focuses on service regulators as opposed to professional regulators. However, there are a number of pertinent issues which may require further consideration for us. These include:

- The impact of language and communication issues for health and care professionals whereby a number of employees employed at these care homes did not have English or Welsh as their first language. This impacted on their ability to provide safe and effective care. This was starkly illustrated when staff at one care home could not brief a responding paramedic on a patient's condition due to limited language ability.
- The difficulty of validating and authenticating some international qualifications for some staff employed in these care homes. The owners had recruited nationals from South Africa and Nigeria; however, the review refers to a difficulty in authenticating nursing qualifications in one part of Nigeria.

- The possibility of professional regulators providing further and more detailed guidance on conflicts of interest was raised in the review including how such conflicts should be managed. The most prominent case study was that of general practitioners sourcing residents (for care homes owned by them) from their patient lists and / or who remained responsible for the primary healthcare of residents at these homes. Further possible action could include amending professional regulator's Registers (such as the Medical Register) to record any declared conflicts of interests of their registrants.
- The review pointed to the importance of professional regulatory bodies (namely the GMC and NMC) of ensuring the timely processing of their Fitness to Practise (FTP) proceedings whilst also protecting the public.
- Finally, the review pointed to the importance of all stakeholders who are investigating particular concerns working together to improve outcomes including the timely processing of FTP allegations. This could include possibly developing a framework for multi-agency investigations and resulting action. This points to a continued need for coordinated, joined up and multi-agency working.

3. Further action

3.1 In relation to language and communication issues, the ability for registrants to have an appropriate level of English is specified in our standards of proficiency. We do impose language controls for International and International-EEA (subject to certain conditions) applicants.

3.2 For example, we require proof of language competency from all international applicants whose first language is not English. This normally equates to level 7 of the International English Language Testing System (IELTS) with no element below 6.5 (please note our requirements for speech and language therapists are higher and apply to all International and International-EEA applicants).¹

3.3 We can also request proof of English language competency from European Economic Area (EEA) nationals or other relevant persons who seek to exercise their Treaty rights under the recognition of professional qualifications Directive (Directive 2005/36/EC) where we have justified doubts with regard to their English language competency.

3.4 We have in place appropriate procedures and processes for authenticating and validating international qualifications. These checks are carried out by our Registration department prior to registering any international applicant.

3.5 Registrants must be able to recognise and deal appropriately with potential conflicts of interest. This is an explicit requirement in the revised standards of

¹ Our English proficiency requirements for different registration routes are explained here: www.hcpc-uk.org/apply/eeaandswitzerland/ and www.hcpc-uk.org/apply/international/

conduct, performance and ethics (SCPE) under standard 9.4 where we require registrants to declare any issues that might create conflicts of interest and make sure that they do not influence their judgement. At this stage we consider that additional guidance is not necessary, but we will keep this under regular review.

3.6 Our FTP department is constantly working to improve the timeliness of undertaking and completing their FTP proceedings to ensure the protection of the public.

3.7 We have also finalised a number of memorandums of understanding (and information sharing agreements) with our regulatory counterparts and other stakeholders to enable more efficient multi-agency working which involve complaints handling affecting a number of stakeholders.

3.8 We will continue to develop our work in this area including strengthening the links between professional and service regulators.