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Reference No:			
Title:	Independent Sector Care Home Serving Notice to a Resident.		
Key words within policy (max 10 words)	Independent Sector, Resident, Notice, Care Home		
Policy Author(s):	Jonathan Wright, Contracts Governance Support Officer, Commissioning and Contracts Department		
Responsible Director:	Neil Martin, Director of Strategic Development and Business Services		
Policy Type:	Trust Wide <input checked="" type="checkbox"/>	Division Specific <input type="checkbox"/>	Clinical and/or social care <input type="checkbox"/>
Policy Replacement:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	NHSCT/16/983 Independent Sector Care Home Serving Notice to a Resident	
Directors/Divisions policy to be issued to:	Nursing <input type="checkbox"/> Medicine <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Medicine and Emergency Medicine <input type="checkbox"/> Human Resources, Organisational Development and Corporate Communications <input type="checkbox"/> Community Care <input checked="" type="checkbox"/> Surgical and Clinical Services <input type="checkbox"/> Mental Health, Learning Disability and Community Wellbeing <input checked="" type="checkbox"/> Women, Children and Families <input type="checkbox"/> Strategic Development and Business Services <input checked="" type="checkbox"/>		
Target Audience, ie, specific staff groups	This policy is directed to Independent Sector Nursing and Residential Homes, NHSCT Operational Directorates and professional staff who have care management responsibility for service users who are residents in a Residential or Nursing Home		
Approved by:	Policy Committee	6 July 2020	
Operational Date:	12 August 2020	Review Date	31 July 2023
Policy Library Categories: (Please tick as appropriate)	Clinical and Social Care - Hospital (incl Comm Hosp) <input type="checkbox"/> Clinical and Social Care - Children's Hospital & Community <input type="checkbox"/> Clinical and Social Care - Community <input type="checkbox"/> Clinical and Social Care - Mental Health and/or Learning Disability <input type="checkbox"/> Children's Nursing <input type="checkbox"/> Maternity & Gynae <input type="checkbox"/> Estates <input type="checkbox"/> Health & Safety <input type="checkbox"/> Human Resources <input type="checkbox"/> Palliative Care <input type="checkbox"/> Major Incident Plan <input type="checkbox"/> Infection Control <input type="checkbox"/> Information Management <input type="checkbox"/> Family Planning <input type="checkbox"/> Allied Health Professions <input type="checkbox"/> Finance <input type="checkbox"/> Trust Wide <input checked="" type="checkbox"/> Safeguarding Children <input type="checkbox"/>		
<u>No more than 3 categories to be selected</u>			
NHSCT Vision			
To deliver excellent integrated services in partnership with our community.			

**Operational Protocol for when an
Independent Sector Nursing or
Residential Care Home
Serves Notice to a Resident**

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1. Summary of Policy

This policy sets out the roles and responsibilities of the Trust and the Independent Sector Care providers where the needs of the resident cannot continue to be met by the care home.

2. Responsibilities

The Chief Executive and Executive Directors of NHSCT hold overall responsibility for ensuring the Trust meets its statutory and legal requirements.

Divisional Directors are responsible for the dissemination and implementation of this policy.

Assistant Directors and General Managers are responsible for ensuring that this policy is implemented within their sphere of responsibility.

All NHSCT staff must familiarise themselves with this policy and comply as appropriate.

3. Policy Statement

3.1. Introduction

The Northern Health and Social Care Trust have care responsibility for over 3000 service users who are both permanent and temporary residents in Independent Sector (IS) Nursing and Residential Care Homes.

Trust staff must ensure that placements into residential or nursing care are only made into homes with which the Trust has a contract in place.

The new regional Homes Contract (HSCB Final Version October 2015) issued by the Trust is signed by each individual Care Home, or Care Home Group, and by a relevant Trust Senior Manager, with both parties retaining a copy.

Every IS Nursing and Residential Care Home contracted by the Trust will have been registered with the Regulation and Quality Improvement Authority (RQIA). As part of their registration, Care Homes have to adhere to a number of regulations and minimum care standards*.

** HPSS Nursing Home Regulations (Northern Ireland) 2005*

HPSS Residential Care Home Regulations (Northern Ireland) 2005

Care Standards for Nursing Homes April 2015

Residential Care Homes Minimum Standards August 2011

3.2. Patient / Resident Agreement

One of the RQIA requirements for Care Homes is that each person being admitted to a nursing or residential care placement should be provided with and asked to sign a Patient / Resident agreement. This usually happens prior

to admission, however in cases of unplanned or emergency admission the agreement may be given and signed retrospectively.

This written agreement sets out the terms of the residency, the services offered by the Care Home and the cost of these. The agreement must be in line with Department of Health Minimum Standards. This agreement should be signed by the resident, their next of kin (or a nominated person) and the Care Home.

3.3. Termination of Placement

Admission to a permanent placement in a nursing or residential home, will continue while the home is registered and able to provide care to meet the resident's needs. There may however be occasions when the needs of a resident cannot continue to be met by the home on the basis of an individual needs assessment or review conducted by Trust staff or when the resident or their next of kin no longer wants the care to be provided by the home or when the relationship between the home, resident and next of kin reaches a stage where it would be detrimental to the individual resident or patient to remain in the home.

This may be because a resident in a Residential Care Home placement has been assessed as having nursing care needs which cannot be provided by their current Care Home, or their level of need can no longer be met in their current placement.

On occasion, and in addition to the above, early termination of placement may also be sought by the IS Care Home in exceptional circumstances. Reasons for exceptional circumstance termination of placement may be (this list is not exhaustive):

- A resident displays repeated, unprovoked acts of violence against other residents, visitors or members of staff
- Any circumstance or behaviour which the Care Home feels may be seriously detrimental to the welfare of other residents
- A resident is in serious breach of the agreement with the home
- Any circumstance where the resident's conduct is unacceptable and the Care Home does not have the expertise to manage

If the Care Home considers themselves unable to continue to meet the needs of a resident, they must inform the Trust as soon as possible. This is to ensure that the interests of the resident are fully considered when alternative accommodation is being sought. Until alternative accommodation is available,

the Trust and the Care Home will work together to ensure the needs of the resident are met.

Should a placement be terminated by the Care Home, it is important that the Trust Care Professional and the Care Home work together to ensure the needs of the resident are being met, and also work together to make interim arrangements to reduce risk until such times as an alternative placement has been sourced.

NB: It should be noted, that termination of placement or serving notice on a resident will only be done when all other possibilities have been examined/attempted.

The following protocols should be followed by both the Care Home and Trust Professional staff

3.4. Independent Sector Care Home Responsibility

When a Care Home has an issue with a resident, their first point of contact should be the resident, if they have capacity, possibly their next of kin and finally the Trust Care Professional who is the allocated named worker.

- The Care Home should inform the resident and their next of kin initially of any issues

The Care Home should then inform the Trust's Care Professional who is the resident's allocated named worker.

- The Care Home should then arrange a meeting between the resident, their next of kin, a Trust representative usually the named worker and themselves to try to resolve the issue. At this stage collaborative working should ensure that all avenues to resolve the issue have been explored.
- When all avenues from the collaborative working have been explored and where no resolution can be achieved it may be necessary to move to the next stage where the behaviour of the resident or any other circumstances relating to the resident are deemed to be detrimental to the safety and welfare of other residents or the conduct of the Care Home, the Care Home will be entitled to terminate the placement by giving the resident and their next of kin written notice of termination of placement.
- The Care Home is responsible for advising the Trust's Care Professional of the written notice given to a resident / their next of kin.

- The Care Home will continue to work together with the Trust by making interim arrangements to reduce any risk.
- The Care Home will try to remain as flexible as possible around the resident's placement while alternative arrangements are being put in place, as there may be situations when securing an alternative placement may be difficult.

3.5.Trust Professional Staff Responsibility

When a Care Home has an issue with a resident, any issues should initially be dealt with between the Care Home, the resident and their next of kin.

When the named worker is informed by the home that they intend to issue termination of placement, the named worker will attend a meeting to be organised by the home, involving the resident, their next of kin and home manager/proprietor.

- They will work with the resident, next of kin and Care Home to try to meet the resident's needs or to manage a particular situation
- If there is conflict, the named worker will work with all parties (i.e. Care Home / Resident / next of kin) to attempt to resolve in the first instance
- The named worker will refer to any other relevant Trust department or service which may be able to assist on either a long term or on an interim basis, for example - Dementia Home Support Team / Community Nursing / Finance etc.
- The named worker will explore options to ensure the resident can be maintained in the Care Home in the long or short term.

When all other options and possibilities have been exhausted, and an IS Care Home serves notice to a Trust resident: (Trust staff will not be present when notice is being served.)

- The named worker will link in with the resident's next of kin to discuss options, i.e. bed availability in a Care Home which is suitable to meet the resident's needs
- The named worker should discuss / agree a maximum period of notice with the Care Home to enable sufficient time to source an alternative suitable placement. This should be subject to flexibility as there may be situations when securing an alternative placement may be difficult.

- The named worker will communicate regularly with the current Care Home to keep them informed of progress sourcing an alternative placement, or to request additional time, if this is required over and above the agreed notice period given by the Care Home
- Use the standard Brokerage (Homes) pathway when sourcing an alternative placement.
(<http://staffnet.northerntrust.hscni.net/BusinessAreas/1969.htm>)
- The resident and / or their next of kin should be advised advocacy groups, such as Patient and Client Council and Age N.I. who they may wish to access.

4. Monitoring (including audit)

This policy will be reviewed every three years.

5. Evidence Base/References

Care management guidelines NHSCT16/1031

Care Reviews

6. Personal & Public Involvement (PPI)/Consultation Process

Consultation took place with Assistant Director, Community Care and Senior Management with responsibility for the Permanent Placement Team

7. Equality, Human Rights & DDA

This policy has been drawn up and reviewed in the light of Section 75 of the Northern Ireland Act (1998) which requires the Trust to have due regard to the need to promote equality of opportunity. It has been screened to identify any adverse impact on the 9 equality categories.

The policy has been '**screened out**' without mitigation or an alternative policy proposed to be adopted.

8. Alternative Formats

This document can be made available on request on disc, larger font, Braille, audio-cassette and in other minority languages to meet the needs of those who are not fluent in English.

9. Sources of advice in relation to this document

The Policy Author, responsible Assistant Director or Director as detailed on the policy title page should be contacted with regard to any queries on the content of this policy.

10. Policy Sign Off (Typed name/scanned signature sufficient)

Jonathan Wright, Contracts Support & Governance Officer

Lead Policy Author

Date: 6 July 2020

Neil Martin, Director of Strategic Development and Business Services

Director

Date: 6 July 2020