

Health and Social Services Committee

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Date: 8 March 2006

Venue: Committee Rooms 3&4, Assembly Offices, National Assembly for Wales

Title: Regulation of Infection Control Regimes in Nursing Homes

Purpose

1. The Committee at its meeting on 5 October 2005 requested that the Minister provide a paper to note on the regulation of infection control regimes in nursing homes.

Recommendations

2. The Committee is asked to note the contents of this paper.

Background

3. "Nursing homes" form part of the wider care home sector which, under the Care Standards Act 2000, comes within the regulatory regime of the Care Standards Inspectorate for Wales (CSIW). In this context they are often referred to as "care homes with nursing" to distinguish them from other care homes where nursing is not provided (known as residential homes). Under the Act any establishment that provides accommodation and personal care, including nursing and nursing EMI care, must be registered with the CSIW. This is regardless of whether it is a privately run or local authority run home. The intention is to protect residents by ensuring care homes provide a reasonable standard of care, in an appropriate way, in appropriate surroundings.

4. Most care homes with nursing are within the independent sector, so do not operate within the direct management arrangements of the NHS as far as infection control is concerned. Their services and activities are therefore subject to external regulation and inspection. In November 2005 there were 313 care homes with nursing registered with CSIW, having a maximum of 12,376 available places.

Regulation of Infection Control in Care Homes with Nursing by CSIW

5. The primary regulation of care homes lies within the responsibilities of the CSIW, but there are also a number of other organisations with a role in relation to infection control. Details of CSIW's regulatory and enforcement role are set out at Annexe A.

6. In the context of regulating infection control, there are a number of standards in the National Minimum Standards (NMS) that CSIW will use to regulate care homes both with and without nursing. These cover such issues as:

- Premises being kept clean and hygienic with systems in place to control the spread of infection in accordance with relevant legislation and published professional guidance;
- Policies and procedures for control of infection in place which include the safe handling and disposal of clinical waste, the safe handling of spillages, the provision of protective clothing and hand washing;
- Homes where commodes or bedpans are in use have sufficient provision of commodes and bedpans to minimise risks of cross infection from resident to resident, and have a suitably located sluicing disinfectant or other appropriate disinfection procedures to maintain hygiene standards and infection control.

7. In addition the NMS contains a range of standards aimed at protecting and promoting the health, safety and welfare of service users and staff. In particular, they remind the registered person responsible for the management of the home to comply with relevant legislation, including:

- Health and Safety at Work Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Workplace (Health, Safety and Welfare) Regulations 1992;
- Health and Safety (First Aid) Regulations 1981;
- Control of Substances Hazardous to Health Regulations 1988;
- Reporting of Injuries, Diseases and Dangerous Occurrences

Regulations 1985

8. It is made clear that it is the responsibility of the registered person to ensure that all appropriate safeguards are in place to make sure that service users are properly and safely cared for. The role of CSIW in inspecting homes would include staff being able to demonstrate that they had followed good practice in infection control procedures in the way in which they deliver care to residents. For example, CSIW would:

- Look at the procedures followed for the disposal of clinical waste etc;
- Check what steps they had taken and the advice which they had sought;
- Expect the home to keep up to date with current practice with the staff aware of where to source specific advice in the event of a particular outbreak in the home.

9. Overall the emphasis would be on the registered person being able to demonstrate that they had acted reasonably in these circumstances. If it was the case that CSIW considered that the appropriate steps had not been taken and that an infection outcome effected the well being of service users, it may consider

taking enforcement action against the provider for non compliance with a regulatory requirement.

Other involvement in the Wider Context of Infection Control Regimes

10. Underpinning and informing the regulation of infection control regimes in care homes is a range of other activity. The National Public Health Service has five Health Protection Teams strategically located around Wales. They provide advice and support for infection control in healthcare premises, residential homes and community nursing facilities, which would include care homes (with and without nursing). They are also more actively involved in providing communicable disease management and control, including investigation of single cases and outbreaks.

11. In 2001 "A Framework for the Control of Communicable Disease in Wales" was published. Healthcare associated infections were identified as a priority area. To take forward the recommendations of this document the Healthcare Associated Infection Sub Group was formed. The group has produced a strategy for the control of healthcare associated infections in hospitals, and it is proposed that a parallel strategy for healthcare associated infections in the community will be produced.

12. Local Health Boards are responsible for purchasing the care by a registered nurse in care homes, and are developing contracts in this context. They become involved in the care of individual residents, and will offer advice and support in relation to infection control where necessary or requested. Where they consider any aspect of the care to be inadequate, they can decide not to purchase care in that home. Although they have no statutory obligations to visit individual care homes, community health councils may visit individual care homes with nursing should they consider it appropriate. They can also visit at the request of a services user or their representative in order to look into a health related matter on an individual's behalf.

Financial Implications

13. This paper is provided for information only and so there are no new financial implications for the Assembly resulting from it.

Cross Cutting Themes

14. Regulation of infection control regimes is an example of the way in which the NHS and CSIW work with the independent/business sector to ensure the effective provision of quality services to the public.

Action for Subject Committee

15. Members are asked to note this paper.

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Minister for Health and Social Services

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Annex A

CSIW regulates social care, early years and private & voluntary health care services. It makes sure that care services meet the standards that the public has a right to expect. There are four specific aspects to their work:

- Registration - to decide who can provide services;
- Inspection - to inspect care services against regulations, national minimum standards and publish reports;
- Complaints - to investigate and deal with complaints;
- Enforcement - to make sure that the Care Standards Act, and the associated regulations and national minimum standards, are met.

CSIW is responsible for registering all care homes and undertakes regular inspections and monitoring of the services and facilities they provide. In doing this all care homes must meet national minimum standards (NMS) of care specifically for care homes for older people and for younger adults which have been developed by the Welsh Assembly Government. These standards set the minimum requirements that a care home is expected to provide in order to operate and cover requirements such as appropriate staff training, ethos of the home, room sizes, etc. Compliance with the standards is monitored by CSIW.

CSIW's first priority is to provide protection for service users. They will make every effort to assist providers to meet their legal obligations and to maintain required standards. However, they will take firm enforcement action either through a criminal or civil route against those providers who fail to comply with the requirements of the law.