

Ms Sarah Storey

# Hylton House

## Inspection report

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## Ratings

Overall rating for this service

Good ●

Is the service effective?

Good ●

# Summary of findings

## Overall summary

We carried out a comprehensive inspection of this service on 26 July 2017 at which a breach of legal requirements was found. We found the provider was not fully aware of the requirements of The Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards (DoLS). They were placing restrictions on one person at the service without the necessary legal authorisation to do so. After the inspection, the provider wrote to us with a plan for how they would meet legal requirements in relation to this breach.

We undertook this focused inspection on 30 October 2017. We checked the provider had followed their plan and made the improvement they said they would to meet legal requirements. This report only covers our findings in relation to those requirements. You can read the report from our last comprehensive inspection, by selecting the 'all reports' link for Hylton House on our website at [www.cqc.org.uk](http://www.cqc.org.uk)

Hylton House is a small care home which provides care and accommodation for up to eight adults. The service specialises in supporting people with a learning disability, physical disability and/or sensory impairment. At the time of our inspection there were eight people living in the home.

The service is required to have a registered manager in post. A registered manager is a person who has registered with the Care Quality Commission (CQC) to manage the service. Like registered providers, they are 'registered persons'. Registered persons have a legal responsibility for meeting the requirements in the Health and Social Care Act and associated Regulations about how the service is run. The previous registered manager left the service in December 2015. A new permanent home manager was appointed in August 2016 and at the time of this inspection was waiting to hear the outcome of their registered manager application to CQC.

At this inspection we found the provider had taken the action they said they would and now met legal requirements.

Following our inspection, senior staff had taken prompt action to submit an application to lawfully deprive the person they had been placing restrictions on, of their liberty, and this had been authorised by the appropriate body. We saw the provider was complying with the conditions applied to this authorisation.

Senior staff had reviewed their understanding of their legal responsibilities in respect of the MCA and DoLS to ensure they were up to date with current guidance. They had met with all staff to ensure they were also up to date in terms of their knowledge and understanding of their legal responsibilities and were confident that they were. To support all staff with their understanding the provider had updated their policy for DoLS and we saw this had been expanded to include people using the service on short term respite care.

To seek additional assurances that legal requirements were being complied with, the home manager as part of their monthly checks of the service, reviewed all current DoLS authorisations to ensure these were being complied with and continued to be appropriate for the person.

## The five questions we ask about services and what we found

We always ask the following five questions of services.

### **Is the service effective?**

We found action had been taken to make improvements. An application had been made to lawfully deprive the person the provider had placed restrictions on of their liberty. This had been authorised by the appropriate body.

All staff were now aware of their responsibilities in respect of The Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards.

Senior staff undertook monthly checks of all current authorisations to ensure these were being complied with and continued to be appropriate for the person.

**Good** ●

# Hylton House

## Detailed findings

### Background to this inspection

We carried out this inspection under Section 60 of the Health and Social Care Act 2008 as part of our regulatory functions. This inspection checked whether the provider is meeting the legal requirements and regulations associated with the Health and Social Care Act 2008, to look at the overall quality of the service, and to provide a rating for the service under the Care Act 2014.

This focused inspection was announced and undertaken by a single inspector on 30 October 2017. It was done to check that improvements had been made by the provider after our comprehensive inspection on 26 July 2017. This is because the service was not a meeting legal requirement at the time of that inspection. We inspected the service against one of the five questions we ask about services: is the service effective?

Before the inspection we reviewed the information we held about the service. This included the written report we asked the provider to send us, setting out the action they would take to meet the regulation that was not being met at their last inspection.

During our inspection we spoke with the home manager and deputy manager. We looked at the care records of one person using the service and other records relating to the management of the service.

## Is the service effective?

### Our findings

At our last inspection of the service in July 2017 we found the provider was not fully aware of the requirements of The Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards (DoLS). They were placing restrictions on one person at the service, in receipt of a package of respite care, without the necessary legal authorisation to do so. After the inspection, the provider wrote to us with a plan for how they would meet legal requirements in relation to this breach.

At this inspection we found the provider had taken the action they said they would and now met legal requirements.

The MCA provides a legal framework for making particular decisions on behalf of people who may lack the mental capacity to do so for themselves. The Act requires that as far as possible people make their own decisions and are helped to do so when needed. When they lack mental capacity to take particular decisions, any made on their behalf must be in their best interests and as least restrictive as possible. People who lack mental capacity to consent to arrangements for necessary care or treatment can only be deprived of their liberty when this is in their best interests and legally authorised under the MCA. The procedures for this in care homes are called the Deprivation of Liberty Safeguards (DoLS).

The home manager and deputy manager acknowledged that the breach in legal requirements had occurred due to a gap in their knowledge about the MCA and DoLS. Following our inspection they had reviewed their knowledge and understanding of the legal requirements to ensure this was up to date with current guidance. They took prompt action to submit an application to lawfully deprive the person in receipt of a package of respite care of their liberty and this had been authorised by the appropriate body. We saw the provider was complying with the conditions applied to the authorisation.

The provider had updated their policy for DoLS and we saw this had been expanded to include people using the service on short term respite care.

The home manager and deputy manager were now clear about their legal responsibilities under the MCA and DoLS. They had met with all staff after our inspection to ensure they were also familiar with legal responsibilities under the MCA. The home manager and deputy manager said they were assured all staff were aware of their responsibilities and were confident this issue would not arise again.

To seek additional assurances that legal requirements were being complied with, the home manager as part of their monthly checks of the service, reviewed all current DoLS authorisations to ensure these were being complied with and continued to be appropriate for the person.