

Mrs Mary Roy

# Newquay Nursing and Residential Home

## Inspection report

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### Ratings

#### Overall rating for this service

Good 

Is the service safe?

Good 

Is the service effective?

Good 

Is the service caring?

Good 

Is the service responsive?

Good 

Is the service well-led?

Good 

### Overall summary

Newquay Nursing Home is a nursing and residential care home which predominately provides nursing and personal care to adults. The service is registered to accommodate up to a maximum of 41 people. On the day of the inspection 29 people were living at the service. Some of the people at the time of our visit had physical health needs and some mental frailty due to a diagnosis of dementia.

The service is required to have a registered manager and at the time of our inspection there was a registered manager in post. A registered manager is a person who has registered with the CQC to manage the service. Like registered providers, they are 'registered persons'. Registered persons have legal responsibility for meeting the requirements in the Health and Social Care Act and associated Regulations about how the service is run.

# Summary of findings

We carried out this unannounced inspection of Newquay Nursing Home on 3 March 2015. Our findings were that people were being cared for by competent and experienced staff, people had choices in their daily lives and that their mobility was supported appropriately.

People felt safe living in the home. Relatives told us they felt their family member was cared for safely. One commented “Safe, absolutely” and “he’s very safe, safer than he is at home.” Staff were aware of how to report any suspicions of abuse and had confidence that appropriate action would be taken.

People told us staff were; “kind,” “caring,” “marvellous” and “they really look after me well”. They told us they were completely satisfied with the care provided and the manner in which it was given. Relatives told us they found staff to have; “great skill” and were “competent and professional.”

Staff had attended appropriate training to ensure that their skills and knowledge, for example in the area of moving and handling, safeguarding and tissue viability was up to date. People were supported with their medicines in a safe way by staff that had been appropriately trained.

We found that there were sufficient numbers of suitably qualified staff on duty to keep people safe and meet their needs. A person told us “I press my call bell and staff respond. There seems to be enough staff.” Relatives echoed this view commenting staff were always available if they had any queries at any time.

People’s care and health needs were assessed prior to admission to the service. Staff ensured they found out as much information about the person so that they could; “really get to know them, their likes, dislikes, interests they wanted to know all about their life.” Relatives felt this gave staff a better understanding of their family member and how they could care for them. People chose how to spend their day and a range of activities were provided. Visitors told us they were always made welcome and were able to visit at any time.

The registered manager and staff had a good understanding of the Mental Capacity Act 2005 (MCA) and how to make sure people who did not have the mental capacity to make decisions for themselves had their legal

rights protected. Where people did not have the capacity to make certain decisions the home involved family and relevant professionals to ensure decisions were made in the person’s best interests.

Staff told us they were supported by managers. They attended regular meetings (called supervision) with their line managers. This allowed staff the opportunity to discuss how they provided support to people, to ensure they met people’s needs and time to review their aims, objectives and any professional development plans. Staff also had an annual appraisal to review their work performance over the year.

People’s care plans, identified the person’s care and health needs and how the person wished to be supported. They were written in a manner that informed, guided and directed staff in how to approach and care for a person’s physical and emotional needs. Records showed staff had made referrals to relevant healthcare services quickly when changes to people’s health or wellbeing had been identified. Staff felt the care plans allowed a consistent approach when providing care so the person received effective care from all staff. People and relatives told us they were invited and attended care plan review meetings and found these meetings beneficial.

People told us staff were very caring and looked after them well. Visitors told us; “Staff are lovely.” We saw staff provided care to people in a calm and sensitive manner and at the person’s pace. When staff talked with us about individuals in the service they spoke about them in a caring and compassionate manner. Staff demonstrated a good knowledge of the people they supported.

People’s privacy, dignity and independence were respected by staff. At this visit we undertook direct observations using the SOFI tool to see how people were cared for by staff. SOFI is a specific way of observing care to help us understand the experience of people who could not talk with us. We saw examples of kindness, patience and empathy from staff to people who lived at the service.

We saw the home’s complaints procedure which provided people with information on how to make a complaint. The policy outlined the timescales within which complaints would be acknowledged, investigated and responded to. It also included contact details for the Care

# Summary of findings

Quality Commission, the local social services department, the police and the ombudsman so people were able to take their grievance further if they wished. People and relatives told us they had; “No cause to make any complaints” and if they had any issues they felt able to address them with the management team.

There was a management structure in the service which provided clear lines of responsibility and accountability.

There was a clear ethos at the home which was clear to all staff. It was very important to all the staff and management at the service that people who lived there were supported to be as independent as possible and live their life as they chose. The provider had an effective system to regularly assess and monitor the quality of service that people received.

# Summary of findings

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

We always ask the following five questions of services.

### Is the service safe?

The service was safe. People felt safe living in the home and relatives told us they thought people were safe.

Staff knew how to recognise and report the signs of abuse. They knew the correct procedures to follow if they thought someone was being abused.

People were supported with their medicines in a safe way by staff that had been appropriately trained.

There were sufficient numbers of suitably qualified staff on duty to keep people safe and meet their needs.

Good



### Is the service effective?

The service was effective. People were positive about the staff's ability to meet their needs. Staff received on-going training so they had the skills and knowledge to provide effective care to people.

The registered manager and staff had a general understanding of the legal requirements of the Mental Capacity Act 2005 and the associated Deprivation of Liberty Safeguards.

People were able to see appropriate health and social care professionals when needed to meet their healthcare needs.

Staff supported people to maintain a balanced diet appropriate to their dietary needs and preferences.

Good



### Is the service caring?

The service was caring. Staff were kind and compassionate and treated people with dignity and respect.

Staff respected people's wishes and provided care and support in line with their wishes.

Positive relationships had been formed between people and supportive staff.

Good



### Is the service responsive?

The service was responsive. People's care needs had been thoroughly and appropriately assessed. This meant people received support in the way they needed it.

People had access to meaningful activities that met their individual social and emotional needs.

Visitors told us they knew how to complain and would be happy to speak with managers if they had any concerns.

Good



### Is the service well-led?

The service was well-led. Staff said they were supported by management and worked together as a team, putting the needs of the people who lived in the home first.

Staff were motivated to develop and provide quality care.

Good



# Summary of findings

People, their relatives and staff were asked for their views of the standard of service provided.

# Newquay Nursing and Residential Home

## 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 was planned to check 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 inspection took place on 10 March 2015. This was an unannounced inspection which meant the staff and provider did not know we would be visiting. The inspection team consisted of two inspectors.

Before visiting the home we reviewed previous inspection reports, the information we held about the home and notifications of incidents. A notification is information about important events which the service is required to

send to us by law. The provider completed the provider information return (PIR). This is a document completed by the provider with information about the performance of the service.

During the inspection we spoke with nine people who were able to express their views of living in the home and four visiting relatives. We looked around the premises and observed care practices. We used the Short Observational Framework Inspection (SOFI) over the visit which included observations at meal times and when people were seated in the communal lounge throughout the day. SOFI is a specific way of observing care to help us understand the experience of people who could not talk with us.

We also spoke with six care staff, two catering staff, and the nurse in charge and the registered manager. We looked at four records relating to the care of individuals, four staff recruitment files, staff duty rosters, staff training records and records relating to the running of the home.

# Is the service safe?

## Our findings

People told us they felt safe living in the service. One person told us “I feel safe.” Relatives told us they felt their family member was cared for safely. One commented “Safe, absolutely” and “he’s very safe, safer than he is at home.”

People and their relatives were complimentary about how staff approached them in a thoughtful and caring manner. We saw throughout our visit people approaching staff freely without hesitation. We saw that positive relationships between people and staff had been developed.

Staff had received training on safeguarding adults and had a good understanding of what may constitute abuse and how to report it. All were confident that any allegations would be fully investigated and action would be taken to make sure people were safe. The management of the home recognised when to report any suspected abuse. The registered manager told us when needed, they had reported concerns to the local authority in line with local reporting arrangements. This showed that the home worked openly with other professionals to ensure that safeguarding concerns were recognised, addressed and actions taken to improve future safety and care of people living at the home.

Staff were aware of the homes safeguarding and whistle blowing policy. This policy encouraged staff to raise any concerns in respect of work practices. Staff were aware of this policy and said they felt able to use it. A harassment policy was also available for staff so they knew what process to follow should they feel harassment had occurred.

Staff had worked with other professionals to develop different ways of working so appropriate measures could be put in place to minimise risks to people. Risks were identified and assessments of how any risks could be minimised were recorded. For example, how staff should support people when using equipment, reducing the risks of falls, the use of bed rails and reducing the risk of pressure ulcers. From our conversations with staff it was clear they were knowledgeable about the care needs of people living at the home. Staff supported people appropriately whilst moving around the home.

Staff supported people with mobility difficulties. We observed four transfers during the day as we undertook general observations in the main lounge or dining area. We

found that all the transfers from chair to wheel chair and vice versa were carried out by competent staff. During the transfers staff spoke to the person telling them what they were going to do and ensured the person felt comfortable and safe at all times. We saw staff had received training in this area of care.

A person told us “I press my call bell and staff respond. There seems to be enough staff.” Relatives echoed this view commenting staff were always available if they had any queries at any time. Staff were prompt to respond to people when they called for assistance. There were sufficient staff on duty at all times. On the day of inspection there were one senior carer, three care staff, one qualified nurse and the registered manager on duty. In addition kitchen, domestic, laundress, maintenance, administrator and an activity coordinator were on duty. At night one qualified nurse and two carers were on duty. Staff said they felt there were sufficient staff levels at the service at all times. Staffing rotas showed this level of staffing was on duty throughout the week. The registered manager reviewed people’s dependency needs to see if additional staffing was needed to ensure the correct level of support was available to meet peoples changing needs.

Staff had completed a thorough recruitment process to ensure they had appropriate skills and knowledge required to meet people’s needs. The recruitment files contained all the relevant recruitment checks to show people were suitable and safe to work in a care environment.

Medicines were stored in a locked cabinet. We saw Medicines Administration Records (MAR), were completed as required. The medicines in stock tallied with those recorded on the MAR. We saw some people took medicines ‘as required’ (PRN). During a medication round the nurse asked a person if they wanted additional pain relief medication. The nurse was aware how the person liked to take their medicines, for example, if the person wished to take their medicines with orange juice or water. A recent external medicines inspection had been completed and found the services medicines to be managed in a safe way.

There were appropriate fire safety records and maintenance certificates for the premises and equipment in place. There was a system of health and safety risk assessment of the environment in place, which was annually reviewed.

## Is the service safe?

The provider told us they did not hold money for any person at the home. If a person wished to spend money, for

example on hair dressing, newspapers or chiropody the family representative was invoiced for the cost and this was then reimbursed. Relatives we spoke with were happy with this arrangement.



# Is the service effective?

## Our findings

People were able to make choices about what they did in their day to day lives. For example, when they went to bed and got up, who they spent time with and where, and what they ate. Staff responded to their needs promptly and were “Good at their job.”

Relatives were complimentary about the staff, stating they were; “marvellous.” and found them to be “competent and professional”. Relatives were involved in the admission of their family member to the home and staff ensured they found out as much information about their family member so that they could; “Really get to know them, their likes, dislikes, interests they wanted to know all about their life.” This gave staff a better understanding of people new to the home and how they could care for them.

New staff had completed an induction when they started to work at the home. An induction checklist was filled out by the staff member and their supervisor. A new member of staff told us they had worked with a more experienced member of staff for the first few shifts to enable them to get to know people and see how best to support them prior to working alone. This helped ensure that staff met people’s needs in a consistent manner.

Staff told us they attended regular meetings (called supervision) with their line managers. Staff discussed how they provided support to people to ensure they met people’s needs. It also provided an opportunity to review their aims, objectives and any professional development plans. These meetings were held at the commencement of employment, monthly, then at three monthly intervals. In addition, staff had regular contact with both the provider and registered manager. Staff had an annual appraisal to review their work performance over the year.

Staff attended relevant training to their role and found it to be beneficial. Some of the courses attended included: safeguarding, equality and diversity and manual handling. Staff said that the registered manager supported them to attend specialist courses, such as tissue viability and end of life care.

The provider and staff had a good understanding of the Mental Capacity Act 2005 (MCA) and how to make sure people who did not have the mental capacity to make decisions for themselves had their legal rights protected. Some people living in the home had a diagnosis of

dementia or a mental health condition that meant their ability to make daily decisions could fluctuate. Staff had a good understanding of people’s needs and used this knowledge to help people make their own decisions about their daily lives wherever possible.

Where people did not have the capacity to make certain decisions the home acted in accordance with legal requirements. Decisions had been made on a person’s behalf; the decision had been made in their ‘best interest’. Best interest meetings were held to decide on the use of bedrails for some people. These meetings involved the person’s family and appropriate health professionals.

The registered manager considered the impact of any restrictions put in place for people that might need to be authorised under the Deprivation of Liberty Safeguards (DoLS). DoLS is part of the Mental Capacity Act 2005 (MCA) and requires providers to seek authorisation from the local authority if they feel there may be restrictions or restraints placed upon a person who lacks capacity to make decisions for themselves. Records confirmed that the registered manager had made appropriate applications to the DoLS team.

We used our Short Observational Framework for Inspection tool (SOFI) in communal areas during our visit in the dining room and in the lounge. This helped us record how people spent their time, the type of support they received and whether they had positive experiences. People were able to choose where they wanted to eat their meal, in either a lounge, dining room or in their bedroom. The meal was leisurely and people enjoyed their food. Three people were complimentary about the variety and quality of food and told us they had discussed with the catering staff their likes and dislikes so that they were provided with meals that they liked. One person said they would like more variety. The registered manager said they would discuss with the person how they could make the food more appetising for them. Relatives were complimentary about the food, one said; “It’s great to see mum eat and drink again, before coming here she had lost her appetite.” And “the food is superb.” The catering staff had a good knowledge of people’s dietary needs and catered for them appropriately, for example soft, pureed or diabetic diets. Staff said that they had an appropriate budget to buy all foods needed.

Staff helped people who needed assistance with eating in a respectful and appropriate manner, sitting alongside the person talking to them and encouraged them to eat and to

## Is the service effective?

drink. One person needed support with eating and the carer ensured that the person knew what food was available, for example carrots, and asked if they would like more of them or something else from the plate. Staff offered people regular drinks.

Staff asked people for their consent before delivering care or treatment and they respected people's choice to refuse treatment. For example, during the medication round people were asked if they would like pain relief and their decision was respected.

Staff made referrals to relevant healthcare services quickly when changes to health or wellbeing had been identified, such as GP's dentists and opticians. An external healthcare professional told us they found staff to be pro-active in their approach chasing up referrals as required. They told us they were confident any recommendations would be acted upon appropriately. Specific care plans, for example, diet and nutrition, informed directed and guided staff in how to provide care to a person. These had been reviewed to ensure they remained up to date and reflected peoples current care needs.

# Is the service caring?

## Our findings

We received positive comments from people who lived at Newquay Nursing Home. Comments included staff were; “staff always work with a smile and a kindly word”, “Staff are very sweet and kind full of cheerful chat and thoughtful” and “They really look after me well.” One person who used the service on a respite stay commented “I’ve had a wonderful time, cared for by friends who are the carers.” People told us they were completely satisfied with the care provided and the manner in which it was given.

We received positive comments from relatives about the care their family member received. Comments included: “Staff are marvellous, and the nurse is superb,” “Staff genuinely care,” “There is laughter and banter”, “Staff make sure mum has her own stuff around her and she is cared for so well, always smartly dressed.” Visitors told us they were always made welcome and were able to visit at any time. People could choose where they met with their visitors, either in their room or different communal areas.

The registered manager said “Staff are good. We need to make sure staff remember the people we care for are dependent on them and therefore vulnerable. We need to make sure people feel safe and can tell us how we can care for them in a way they want us to. Staff need to empathise and appreciate how it is to receive care.” Care plans recorded staff were to ‘before starting any intervention explain the process and gain consent from the person.’ The registered manager acknowledged that how staff approached a person could have an affect in how they requested support, for example a person may prefer a female carer to male carer to provide personal care.

In discussion with staff we saw that they shared this view. Staff commented “I like to treat people as if they are my mum or dad, I like to give the person independence, respect and privacy. I always ensure I tell the person what I am doing so they have a choice in what happens, for example a shower or bed bath, choice of clothes.” “The work can be challenging, hard work mentally and physically but rewarding. I really love it when they smile at you it’s worth it.” Staff interacted with people respectfully. All staff showed a genuine interest in their work and a desire to offer a good service to people.

Staff were seen providing care and support in a calm, caring and relaxed manner. Interactions between staff and people at the home were caring with conversations being held in a gentle and understanding way.

People’s privacy was respected. Staff told us how they maintained people’s privacy and dignity generally and when assisting people with personal care. For example, by knocking on bedroom doors before entering, gaining consent before providing care and ensuring curtains and doors were closed. They told us they felt it was important people were supported to retain their dignity and independence. As we were shown around the premises we observed staff knocked on people’s doors and asked if they would like to speak with us. Where people had requested, their bedrooms had been personalised with their belongings, such as furniture, photographs and ornaments. Bedroom, bathroom and toilet doors were always kept closed when people were being supported with personal care.

Staff provided care and support in a timely manner and responded to people promptly when they requested assistance. For example, one person requested help with their personal care and staff approached the person sensitively and promptly. Staff ensured that the appropriate equipment was used to transfer the person safely from one place to another.

There were opportunities for staff to have one to one time with people and we saw this occur throughout our inspection. Staff were clear about the backgrounds of the people who lived at the home and knew their individual preferences regarding how they wished their care to be provided.

We saw that some people had completed, with their families, a life story which covered the person’s life history. Relatives told us they had been asked to share life history information and had provided photographs and memorabilia. This gave staff the opportunity to understand a person’s past and how it could impact on who they are today.

Where possible people were involved in decisions about their daily living. Staff asked people where they wanted to spend their time and what they wanted to eat and drink. In one person’s care plan it specified ‘choices of TV programs

## Is the service caring?

are relayed to [person's name] to allow them the opportunity to make choices. Be aware [person's name] does like the TV switched on all the time. Always give [person's name] the choice.

The registered manager told us where a person did not have a family member to represent them they had contacted advocacy services to ensure the person's voice was heard.

# Is the service responsive?

## Our findings

Staff responded to people's calls for assistance promptly. People and relatives told us that staff were skilled to meet their needs. People who wished to move into the service had their needs assessed to ensure the home was able to meet their needs and expectations. One person who had recently moved to the service had met with the registered manager prior to admission to ensure that the service would be able to meet their care needs. Their relative was also consulted to ensure their views on what support the person needed were obtained. Both commented that the move to the service was completed in a sensitive manner and was; "Carried out sensitively." Following the person's admission they were invited and attended care plan review meetings and found these meetings beneficial. The registered manager was knowledgeable about people's needs and made decisions about any new admissions by balancing the needs of any new person with the needs of the people already living in the service.

People received care and support that was responsive to their needs because staff had a good knowledge of the people who lived at the home. Staff were able to tell us detailed information about people's backgrounds and life history from information gathered from families and friends. Life histories were completed by the person with assistance from families and friends to provide useful information for the home when the person arrived. This helped staff understand who the person was and how that might impact on who they are today, including things they enjoyed and their preferences.

Care plans were personalised to the individual and gave clear details about each person's specific needs and how they liked to be supported. Care plans were reviewed monthly or as people's needs changed. Care plans were informative, easy to follow and accurately reflected the needs of people. People who were able, were involved in planning and reviewing their own care. Where people lacked the capacity to make a decision for themselves, staff involved family members in the review of care. People and their family members were given the opportunity to sign in agreement with the content of care plans.

Care plans provided specific guidance and direction about how to meet a person's health needs. For example a care plan stated that a person was 'nil by mouth'. Information from relevant health professionals had been sought to

ensure a record of the person food and fluid intake was kept and monitored and if staff were concerned what action they should take. This helped ensure care and treatment was delivered consistently.

Care plans guided staff on how to manage a person's behaviour when they became anxious or distressed. For example one person became anxious when personal care was to be provided. The care plan directed staff to 'always inform [person's name] of all intended procedures' and if the person did not want care at that time to leave and return ten minutes later and ask again. This allowed staff to respond in a consistent manner when the person displayed anxiety or distress. Staff told us they felt the care plans were personalised and provided them with clear guidance in how to provide care consistently for the person.

Care records reflected people's needs and wishes in relation to their social and emotional needs. A variety of activities were displayed daily on the activity board. For example, visiting singers, bingo, beauty therapy, plant potting, arts and crafts, films and walks out. People received visitors, read newspapers, knitted, listened to music and watched TV. An 'activities book' recorded when people had nail and hand care only. We discussed this with the provider who agreed that this was not a true reflection of the activities that people were involved with.

The service's complaints procedure provided people with information on how to make a complaint. The policy outlined the timescales within which complaints would be acknowledged, investigated and responded to. It also included contact details for the Care Quality Commission, the local social services department, the police and the ombudsman so people were able to take their grievance further if they wished. We discussed with the registered manager the need to ensure that complaints are recorded in line with Data Protection Act guidance as currently complaints were held in one book and confidentiality could be breached. The registered manager agreed to rectify this immediately.

We asked people who lived at the service, and their relatives, if they would be comfortable making a complaint. People told us they would have no hesitation in raising issues with the registered manager or staff. Relatives told us they felt the registered manager was available and would

## Is the service responsive?

feel able to approach him, or staff with any concerns. No-one we spoke with had made a complaint. All said they would feel confident to approach management or staff if they had any concerns.

Staff felt able to raise any concerns. They told us the management team were approachable and would be able to express any concerns or views to them. Staff told us they had plenty of opportunity to raise any issues or suggestions.

# Is the service well-led?

## Our findings

People told us the registered manager was approachable and that they would be able to talk with him about any suggestions in how the service was run. Relatives felt they had a say in the day to day running of the service. Relatives told us the management of the service were approachable and listened to comments and suggestions. The management team were always present in the service and it was easy to communicate with them.

There was a management structure in the home which provided clear lines of responsibility and accountability. The registered manager had overall responsibility for the home, supported by the provider. A nurse worked on each shift to provide support to the care staff.

The provider, who is the owner of the home supported the registered manager and monitored the service. The registered manager worked in the home every day providing care and supporting staff this helped ensure they were aware of the culture of the home at all times. The registered manager spoke daily with people who used the service, visitors and the staff to gain their views as this supported constant development and improvement of the service provided to people. The registered manager also ensured that he met with night staff regularly to ensure that they had the opportunity to share their views. The registered manager said; "If the carers aren't happy then the residents aren't happy" and "I'm proud of the family atmosphere here and the good relationships we have with relatives." Staff told us they liked working at the service and found the registered manager to be approachable.

There was a clear ethos at the service which was communicated to all staff. It was important to all the staff and management at the service that people who lived there were supported to be as independent as possible and live their life as they chose. Care was personalised and specific to each individual. Staff meetings for nursing, care and catering staff were held. Staff found these meetings useful and told us they felt the management listened to them and their views were considered.

The registered manager and nurse on duty tried to make sure they were aware of any worries or concerns people or their relatives might have and regularly sought out their views of the home. People and their relatives were asked to

complete questionnaires. Those returned had rated the home as 'excellent.' The registered manager had identified that some areas of the home needed redecoration and refurbishment and a plan of maintenance were in progress. The service had a full time maintenance person who dealt with any repairs in a timely way, which had been raised by staff and management.

An effective quality assurance system was in place. Regular audits took place at the home and were monitored to identify if any further action was needed. The audits included medicines, accidents and incidents, refrigeration temperatures for both food and medicines fridges, and maintenance of the service. Further audits were carried out in line with policies and procedures. For example we saw fire tests were carried out weekly and emergency lighting was tested monthly.

The home was clean and there was no odour anywhere in the home on the day of the inspection. Equipment such as moving and handling aids, air mattresses, stand aids, lifts and bath lifts were regularly serviced to ensure they were safe to use.

Staff were aware of how to access the policies and procedures held by the service. Information in policies such as the whistleblowing policy, encouraged staff to use the various options available to them to report any concerns they may have.

Staff had a good understanding of the people they cared for and that they felt able to raise any issues with management if the person's care needed further interventions. Daily staff handover provided each shift with a clear picture of each person at the service and encouraged two way communications between care staff and the nurse on duty. This helped ensure everyone who worked with people who lived at the service were aware of the current needs of each individual. Staff had high standards for their own personal behaviour and how they interacted with people.

Services that provide health and social care to people are required to inform the Care Quality Commission, (the CQC), of important events that happen in the service. The registered manager of the service had informed the CQC of significant events in a timely way. This meant we could check that appropriate action had been taken.