

Four Seasons (Evedale) Limited

# The Oaks and Little Oaks

## Inspection report

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19 December 2016

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## Ratings

Overall rating for this service

Requires Improvement ●

Is the service safe?

**Requires Improvement** ●

Is the service effective?

**Requires Improvement** ●

# Summary of findings

## Overall summary

This unannounced inspection was carried out on 19 December 2016. The Oaks and Little Oaks is a care home with nursing and provides accommodation and personal care for up to 73 older people. On the day of our inspection there were 32 people who were using the service.

We carried out an unannounced comprehensive inspection of this service on 16 March 2016. Breaches of legal requirements were found. We undertook this focused inspection to check that they now met 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 The Oaks and Little Oaks on our website at [www.cqc.org.uk](http://www.cqc.org.uk)

The service did not have a registered manager in place at the time of our inspection and has not had one since December 2014. The temporary manager told us a new manager has been appointed, who will apply to become the registered manager when they take up their post. A registered manager is a person who has registered with the Care Quality Commission 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 2008 and associated Regulations about how the service is run.

There were sufficient staff on duty to meet the needs of people who used the service.

Where people lacked capacity to make their own decisions or had restrictions placed on their liberty their rights under the Mental Capacity Act 2015 were respected.

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

We always ask the following five questions of services.

### Is the service safe?

**Requires Improvement** ●

The service was not completely safe.

There were enough staff available to meet people's needs.

We could not improve the rating for safe from requires improvement as we did not review the whole of this question. We will check this during or next planned comprehensive inspection.

### Is the service effective?

**Requires Improvement** ●

The service was not always effective.

People who were unable to make decisions for themselves had their rights protected because the provider acted in accordance with the Mental Capacity Act (2005.) People were only deprived of their liberty when it was necessary and had this been authorised by the local authority.

We could not improve the rating for effective from requires improvement as we did not review the whole of this question. We will check this during or next planned comprehensive inspection.

# The Oaks and Little Oaks

## **Detailed findings**

### Background to this inspection

We undertook an unannounced focused inspection of The Oaks and Little Oaks on 19 December 2016. This inspection was done to check that improvements to meet legal requirements planned by the provider after our comprehensive inspection 16 March 2016 inspection had been made. The team inspected the service against two of the five questions we ask about services: Is the service safe and is the service effective? This is because the service was not meeting some legal requirements. The inspection was undertaken by two inspectors.

Prior to our inspection we reviewed information we held about the service. This included previous inspection reports, information received and statutory notifications. A notification is information about important events which the provider is required to send us by law.

During the inspection we spoke with two care staff, a nurse, the deputy manager and the temporary manager.

We considered information contained in some of the records held at the service. This included the care records for two people and other records kept by the temporary manager as part of their management and auditing of the service.

# Is the service safe?

## Our findings

We undertook an unannounced focused inspection of The Oaks and Little Oaks on 19 December 2016. This inspection was done to check that improvements to meet legal requirements planned by the provider after our comprehensive inspection 16 March 2016 inspection had been made. The team inspected the service against three of the five questions we ask about services: Is the service safe, is the service effective and is the service well led? This is because the service was not meeting some legal requirements. The inspection was undertaken by two inspectors.

Prior to our inspection we reviewed information we held about the service. This included previous inspection reports, information received and statutory notifications. A notification is information about important events which the provider is required to send us by law.

During the inspection we spoke with two care staff, a nurse, the deputy manager and the temporary manager.

We considered information contained in some of the records held at the service. This included the care records for two people and other records kept by the temporary manager as part of their management and auditing of the service.

## Is the service effective?

### Our findings

During our inspection on 16 March 2016 we found there was a breach of Regulation 13 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. We found that people's rights to give consent and make decisions for themselves were sometimes overlooked. We also found that people may have been unlawfully restricted as the provider had not put in place a request for authorisation as required by the Deprivation of Liberty Safeguards.

The Mental Capacity Act 2005 (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 can only be deprived of their liberty to receive care and treatment when this is in their best interests and legally authorised under the MCA. The application procedures for this in care homes and hospitals are called the Deprivation of Liberty Safeguards (DoLS).

We checked whether the service was working within the principles of the MCA, and whether any conditions on authorisations to deprive a person of their liberty were being met. When a person had been assessed not to have the capacity to make a specific decision there had been a meeting held where a decision had been made in the person's best interest. We saw there were completed capacity assessments and best interest decision forms in the files we reviewed. We also found that when a person had their liberty restricted the circumstances surrounding this DoLS had been recorded in the person's care plan, and there was an explanation as to how staff should implement this.