

Mrs Anne Elizabeth Barrows

# Nak Centre

## Inspection report

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### Ratings

#### Overall rating for this service

Requires Improvement



Is the service effective?

Requires Improvement



### Overall summary

We carried out an unannounced comprehensive inspection of this service on 2 December 2014. A breach of legal requirements was identified. This was because there were no suitable arrangements in place for acting in accordance with the Mental Capacity Act 2005 and the associated Deprivation of Liberty Safeguards. This meant the delivery of care may have been unlawful. We carried out a focused inspection on 22 April 2015 to check if the provider had taken steps to ensure people's liberty was not being restricted unlawfully.

This report only covers our findings in relation to these topics. You can read the report from our last comprehensive inspection, by selecting the 'all reports' link for the Nak Centre on our website at [www.cqc.org.uk](http://www.cqc.org.uk).

The Nak Centre is a care home that is registered to provide care and accommodation for up to six people with a learning disability. At the time of the inspection five people were living at the service.

The service had a registered manager in place. 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.

At our focused inspection we found the provider had taken steps to ensure the service was acting within the requirements of the MCA and DoLS. Mental capacity assessments were carried out to establish whether people had the capacity to make specific decisions about their care and support. Where people were found to lack capacity best interest meetings were held with relevant professionals to make decisions on the person's behalf.

Applications for authorisations to deprive people of their liberty in order to keep them safe had been made. The service was awaiting the outcomes of the applications.

# 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 effective?**

The service was effective. The requirements of the Mental Capacity Act (2005) and associated Deprivation of Liberty Safeguards were being adhered to.

Plans were in place to update staff training in this area to bring their knowledge up to date with the most recent developments.

While improvements had been made we have not revised the rating for this key question; to improve the rating to 'Good' would require a longer term track record of consistent good practice.

We will review our rating for safe at the next comprehensive inspection.

**Requires Improvement**



# Nak Centre

## 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.

We carried out an unannounced focused inspection of the Nak Centre on 22 April 2015. This inspection was completed to check that improvements to meet legal requirements after our comprehensive inspection on 2 December 2014 had been made.

The inspection was carried out by one inspector. Before the inspection we reviewed the information we held about the service. There was no Provider Information Return (PIR) available for us to view. The PIR is a form that asks the provider to give some key information about the service, what the service does well and improvements they plan to make. We spoke with an Independent Mental Capacity Advocate (IMCA) who had experience of the service.

During the inspection we spoke with the registered manager and four members of staff. Due to people's complex health needs we were not able to ask for their views of the service. We observed interactions between people and staff and saw staff supporting people in routine tasks. We looked at four people's care plans.

# Is the service effective?

## Our findings

At our comprehensive inspection on 2 December 2015 we found there were no suitable arrangements in place for acting in accordance with the Mental Capacity Act 2005 and the associated Deprivation of Liberty Safeguards. The Mental Capacity Act (2005) and associated Deprivation of Liberty Safeguards (DoLS) requires providers to submit applications to the local authority, in order to obtain an authorisation when people's liberty is being restricted. We found no DoLS applications had been made for anyone living at the Nak Centre. We asked the registered manager what they would do if anyone living at the Nak Centre left the premises. They replied, "I would follow in hot pursuit!" This meant people's liberty was being restricted because they were not able to go out alone without supervision.

We did not see any evidence of mental capacity assessments being carried out before best interest meetings were held. Capacity assessments are required to establish whether or not people are able to make specific decisions for themselves.

We discussed with one member of staff how they obtained people's consent to personal care. They described to us how one person indicated they were comfortable with their care. We asked them what they would do if that person behaved in such a way that demonstrated they did not consent to care. They replied, "Well you'd just have to go ahead and wash them." This meant there was a risk people's rights would not be upheld.

We found there was a breach of Regulation 11 of the Health and Social Care Act 2008 (Regulated Activities) 2010 which corresponds to Regulation 13 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

At our focused inspection on 22 April 2015 we found action had been taken to address these shortfalls. We saw in one person's records that there had been a best interest meeting since our last inspection to decide if they should have invasive dental treatment. Before the meeting had taken place a mental capacity assessment had been done to establish whether or not the person was able to make the decision for themselves.

During the inspection staff were assisting people to get ready to go out. People were asked if they wanted to go out and given time to consider options. We discussed with one member of staff what they would do if someone refused personal care. They told us they would respect the person's decision and return later to ask again. They commented; "You can't force them, that would be wrong. That would be very wrong." This demonstrated staff made sure people consented to care and support.

Safeguarding training was booked for the whole staff team to take place in July. The provider told us this would include an update on the MCA. This would help staff understand the implications of a court ruling last year that had widened the criteria for when someone may be considered to be deprived of their liberty.