



Department
of Health &
Social Care

From Caroline Dinenage MP
Minister of State for Care

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Your Ref: 9752/MG
Our Ref: PFD-1197061

Ms Alison Mutch OBE
HM Senior Coroner, Manchester South
HM Coroner's Court
1 Mount Tabor Street
Stockport
SK1 3AG



21st January 2020

Dear Alison,

Thank you for your correspondence of 15 November 2019 to [REDACTED] about the death of Mrs Averil Skoric. I am replying as Minister with responsibility for adult social care.

Firstly, I would like to extend my deepest sympathies to Mrs Skoric's family and loved ones. We must do all we can to improve the safety and quality of services and I am grateful to you for bringing these matters to my attention.

In considering your concerns, Departmental officials have contacted the Care Quality Commission (CQC) and the National Institute for Health and Care Excellence (NICE).

Although there is no specific guidance concerning safe sleeping positions of residents who lack capacity or are at risk from the consequences of unsafe sleeping, the CQC expects a provider, caring for someone with the type of needs that Mrs Skoric had, to meet the fundamental standards as outlined in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.¹ This includes:

¹ <https://www.legislation.gov.uk/ukdsi/2014/9780111117613/contents>

- Person-centred care: A provider must do everything reasonably practicable to make sure that people who use the service receive person-centred care and treatment that is appropriate and meets their needs;
- Safe care and treatment: A provider must do everything reasonably practicable to ensure that care is provided in a safe way; and,
- Staffing: A provider must deploy enough suitably qualified, competent and experienced staff.

The CQC also expects that providers would be able to demonstrate they are meeting the relevant Key Lines of Enquiry of the Adult Social Care Assessment Framework².

As part of the Key Line of Enquiry covering the assessment of a person's needs and delivering care in line with current legislation, standards and evidence-based guidance, the CQC expects that a person's needs are fully assessed, including risks to their health, safety and wellbeing. Inspectors expect a provider to assess the level of risk where someone is unable to reposition themselves in bed, their frailty, and the level of support or supervision they require to keep them safe.

Other Key Lines of Enquiry include questions on sufficient numbers of adequately trained staff and how people are supported to live healthier lives, have access to healthcare services and receive ongoing healthcare support.

The regulations and assessment framework are sufficiently broad to ensure they encompass the range of providers that the CQC regulates, the range of services they provide and the spectrum of needs experienced by the people receiving services.

The CQC expects providers to follow and meet the relevant detailed or best practice guidance that is applicable in a particular care setting or to meet a specific need. Staff who are involved in providing care and support should be appropriately trained and should have the benefit of access to professional support from social workers, occupational therapists and other relevant experts as appropriate. Professionals can support the identification of any underlying conditions or ensure that complex needs are identified early and that people are signposted appropriately.

In addition, providers are expected to follow the NICE guidance, '*Dementia: assessment, management and support for people living with dementia and their carers*' (NG97³), published in June 2018. This provides guidance to staff caring for

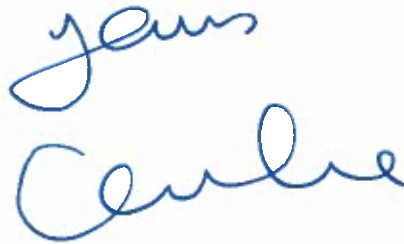
² https://www.cqc.org.uk/sites/default/files/20180630_asc-registration-assessment-framework-with-sources-of-evidence_v009.pdf

³ <https://www.nice.org.uk/guidance/ng97>

people living with dementia who have sleep problems and advises staff to consider a personalised multi-component sleep management approach that includes sleep hygiene education, exposure to daylight, exercise and personalised activities.

Finally, my officials have brought your concern to the attention of the Social Care Institute for Excellence (SCIE) which provides knowledge resources, training and support to the social care sector to promote the provision of good practice.

I hope this reply is helpful.

A handwritten signature in blue ink, consisting of the word 'yours' on the top line and 'Caroline' on the bottom line.

CAROLINE DINENAGE