

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	PREPARATION FOR CQC ASSURANCE
Meeting date	6 March 2023
Status	Public Report
Executive summary	<p>The Health and Care Act 2022 creates a new duty for the Care Quality Commission to review local authorities' performance in discharging their adult social care functions under the Care Act 2014.</p> <p>This report sets out the work that has been undertaken to date and further work that is planned to ensure the Council is best placed to achieve a positive outcome from any review of the Council's services.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>a) Committee note and comment on the content of this report</p>
Reason for recommendations	The Health and Care Act gives new powers for the Care Quality Commission to conduct reviews of the provision of Adult Social Care

Portfolio Holder(s):	Cllr Karen Rampton, Portfolio Holder People and Homes
Corporate Director	David Vitty, Director of Adult Social Services Phil Hornsby, Director of Commissioning for People
Contributors	Chris McKenzie, Interim CQC Preparation Lead
Wards	All
Classification	For update and information

Background

1. The Government's Adult Social Care white paper "People at the Heart of Care" sets out the Government's vision for Adult Social Care and included new assurance, improvement, and data measures to support local authorities to deliver this vision.
2. The Health and Care Act 2022 puts Care Quality Commission (CQC) assessment of local authorities on a statutory footing. This creates a new duty for the CQC to review local authorities' performance in discharging their adult social care functions under the Care Act 2014. This new duty comes into effect from April 2023.
3. Whilst the review framework is yet to be published, work to co-design the assessment framework has been ongoing, and has included input from the Local Government Association (LGA) and the Association of Directors of Adult Social Services (ADASS). A draft self-assessment workbook has been produced by LGA and ADASS to support local authorities to prepare for CQC assurance.
4. The CQC have advised local authorities that there will be a single assessment framework which will use a consistent set of themes across their assessments of local authorities, integrated care systems and providers. This will ensure an aligned approach and will be based on what people expect and need from the support they receive.
5. The framework is being developed with reference to the national "Making it Real" framework, which is a set of co-produced personalised principles focussing on what matters to people. These are presented as a series of "I" and "We" statements that describe what good looks like from an individual's perspective and what organisations should be doing to live up to those expectations.
6. The CQC have advised local authorities informally that they expect to focus in the first two years on 'baselining' the national position before moving to an agile and responsive model, however this approach is not confirmed, and it is not yet known how CQC would intend to approach this or whether this approach will be agreed by the Secretary of State.

7. The assessment framework will focus on the following key themes with **Choice, control and personalisation** also threaded through the entire framework and approach:
 - a. **Working with people** - assessing needs, supporting people to live healthier lives, prevention, equity in experiences and outcomes, well-being, information, and advice
 - b. **Providing support** - markets (including commissioning), integration and partnership working
 - c. **Ensuring safety** - safeguarding, safe systems, and continuity of care
 - d. **Leadership** - governance, learning, improvement, innovation
8. Evidence will be gathered from the following sources: People's experience; feedback from staff and leaders; feedback from partners; observation; processes, outcomes and performance data.
9. Sources of published intelligence and data will be reviewed by CQC prior to any assurance visit, for example, statutory return data, ombudsman judgements and reports, safeguarding adult reviews etc.
10. There will be new powers of intervention for the Secretary of State where local authorities are failing to discharge their duties under part 1 of the Care Act 2014.
11. The general responsibilities that local authorities have under the part 1 of the Care Act are:
 - a. To promote individual well-being
 - b. To prevent, reduce or delay the development of people's care needs
 - c. To promote the integration of care and support with health and health related services
 - d. To ensure that people can get the information and advice they need to make good decisions about care and support
 - e. To ensure there are a range of high quality, appropriate services to choose from
 - f. To co-operate generally with relevant partners

Summary of preparations to date

12. A summary of the background to CQC assurance and the expected process as known at that time was presented to a meeting of the Health and Adult Social Care Overview and Scrutiny Committee on 26 September 2022.
13. A range of preparatory work has taken place since that presentation including:
 - a. A Quality Board has been established and meets fortnightly to track the progress of arrangements to quality assure the Council's approach.

- b. An Adult Social Care staff engagement event took place in November 2022, during which staff were asked for their feedback on how informed they feel about the CQC assurance regulations and how confident they feel about being involved in a CQC assurance visit.
- c. A CQC Operational Preparation and Planning Group has been established to support the gathering of evidence and to build quality assurance activity in as business as usual
- d. An evidence tracker has been established and teams are linking their own evidence into the tracker
- e. An initial draft of the CQC self-assessment checklist has been completed and is being tested with senior leaders to support completion of a first draft of the self-assessment in order to identify key gaps and areas of focus
- f. Arrangements have been made through the LGA for two external peer reviews, to support preparations for CQC assurance. These are:
 - i. for an independent consultant to lead an independent review of arrangements to safeguard adults in March 2023.
 - ii. for a team working in the sector to assess the Council against the CQC assessment framework in June 2023.

14. An interim CQC preparation lead, Chris McKenzie, has been recruited and has been in post since the start of January 2023. This appointment is bringing greater pace to preparation work and is providing support and challenge to the Council's preparation of a self-assessment.

Next steps

15. The following timeline represents the key activities and milestones that are being worked towards:

Stage 1 – Building the picture – Aim for completion by end Feb 2023

- Initial evidence gathering
- CQC preparation lead to undertake discussions/workshops with key internal stakeholders, lead on completion of self-assessment checklists, and produce early draft of self-assessment based on existing evidence.
- Identification of areas for further engagement with people with lived experience, staff, and partners
- Development and sign off of communications and engagement plan
- Identification of gaps in evidence and development of action plan for gathering additional evidence
- Development of logistical arrangements plan and allocation of resources for CQC assurance visits

Stage 2 – Completing the self-assessment - March to end April 2023

- Report on approach to Health and Adults Overview and Scrutiny Committee

- Alignment of key identified areas for improvement with broader service transformation plan
- Engagement with people with lived experience, staff, and partners to test assumptions and gather further evidence
- Sign off self-assessment
- Internal testing of logistical arrangements

Stage 3 – Ensuring readiness for CQC assurance - May – end June 2023

- Preparation for LGA peer review
- Undertake LGA peer review

Stage 4 – July 2023 - Ongoing

- Report to Health and Adults Overview and Scrutiny Committee on the outcome of the LGA peer review
 - Continuous improvement arrangements firmly embedded building on learning from self-assessment and LGA peer review feedback
 - Key service improvement workstreams embedded into service transformation plan
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Key priorities based on work to date

16. Whilst preparation for CQC assurance is of itself an important milestone, it is important to see preparations for CQC through a wider lens of continuous service improvement.
17. The CQC framework (once confirmed) will describe the main features of a high performing local authority and system, that achieves good outcomes for its residents, many of whom require support to live an ordinary life.
18. Work to date has identified several key areas of strength as well as some areas where service improvement work may be required to bring the Council's arrangements up to the best practice standard, and work is underway to support service improvement in these areas alongside preparations for CQC visits. The following areas will require additional focus over the coming months.
19. Since the local government reorganisation in 2019 that led to the creation of BCP Council, significant focus has been on harmonising service delivery across the 3 predecessor Council areas. There is a need to build on this work to further transform services to deliver against the Council's Fulfilled Lives priority. An overarching Adult Social Care service transformation plan and programme is being developed and the self-assessment will help to inform the development of a single coherent set of activities to deliver against this Council priority.
20. The Overview and Scrutiny Committee have received reports previously on the programme of work to develop the Adult Social Care Contact Centre, alongside the introduction of a strengths-based model of practice, called 3 conversations. This approach continues to develop, and additional innovation sites have recently been launched. The learning from this approach will feed into the Adult Social Care transformation plan to ensure alignment with wider service transformation work.

21. The migration of social care data onto a single case management system (Mosaic) has recently been completed, and work is now being progressed to develop data dashboards which will provide better visibility of performance data. The governance arrangements for Performance and Quality Assurance are also being reviewed to ensure that there is a clear line of sight of service performance and of activity to address areas where performance needs to improve.
22. A clear set of practice standards have been produced that set out what is expected from staff working in Adult Social Care. Quality assurance tools have been included within the standards to support staff and managers to assess the quality of their practice. These tools and other quality assurance arrangements are being rolled out to ensure that there is a clear picture of the quality of practice that supports a service wide learning culture.
23. Nationally published data shows that the Council's use of Direct Payments is not as high as most other areas of the country. People who draw support and carers have provided feedback that if developed further this is an area that could provide more flexibility, choice and control, and so we intend to develop a strategic plan to develop the Council's approach to Self-Directed Support, including the use of Direct Payments as part of the Adult Social Care transformation plan.
24. The Council provides several services that seek to prevent, reduce or delay the need for long term support, and has plans to further invest in this area, for example, through the recently agreed business case to invest in care technology and joint work with health to develop a Home-First Accelerator. Nationally published data, however, shows that BCP Council spends less per head of population on short term services to maximise independence than other Councils. The Council's spend on long term services per head of population, however, is higher than the England and regional averages.
25. There is a need to do more to maximise opportunities to prevent, reduce and delay need. The establishment of the Integrated Care Board in July 2022, and the development of the Dorset Health and Care Partnership will promote integration and partnership working. This provides further opportunity for the development of a strategic joined up approach to prevention, supporting communities to live more independent, healthier lives for longer.

Summary of financial implications

26. Resources to support preparations for CQC assurance will come from existing budgets.

Summary of legal implications

27. CQC assurance arrangements are intended to provide assurance that Local Authorities are delivering their legal responsibilities under the Care Act and other relevant legislation.

Summary of human resources implications

28. There are no human resource implications arising from this report.

Summary of environmental impact

29. There are no environmental impact implications arising from this report.

Summary of public health implications

30. Effective partnership working with public health is essential to the delivery of effective Adult Social Care arrangements. This is particularly relevant to the Council's responsibilities under the Care Act to promote wellbeing, and prevent, reduce, and delay needs.

Summary of equality implications

31. Anti-discriminatory practice is fundamental to the ethical basis of care provision and critical to the protection of people's dignity. The Equality Act protects those receiving care and the workers that provide it from being treated unfairly because of any characteristics that are protected under the legislation.

32. The most recent draft of the CQC assurance framework includes a new sub-category of the theme "Working with People", which intends to measure "equity in experiences and outcomes".

Summary of risk assessment

33. There is a risk that a poor assessment by CQC of the Council's arrangements could lead to intervention from the Secretary of State.

34. The Council is seeking to mitigate the risk of a poor outcome by preparing for CQC assurance and has appointed a CQC assurance lead to ensure there is sufficient capacity to undertake this work.

35. The preparation work that has been undertaken to date is helping the Council to identify areas of service development that are being prioritised to improve the likelihood of a positive outcome.

Background papers

[People at the Heart of Care: adult social care reform white paper - GOV.UK](https://www.gov.uk/government/consultations/people-at-the-heart-of-care-adult-social-care-reform-white-paper)
(www.gov.uk)

[Health and Care Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/12)

[Making it Real documents - About - Making it Real - Think Local Act Personal](#)

[Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/12)

[Adult Social Care Strategy 2021-25 \(bcpcouncil.gov.uk\)](https://www.bcpccouncil.gov.uk/adult-social-care-strategy-2021-25)

[Carers Strategy 2022-27 \(bcpcouncil.gov.uk\)](#)