

HEALTH AND WELLBEING BOARD



Report subject	PREPARATION FOR CQC ASSURANCE
Meeting date	20 July 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) Health and Wellbeing Board note and comment on the content of this report</p>
Reason for recommendations	<p>The Health and Care Act gives new powers for the Care Quality Commission to conduct reviews of the provision of Adult Social Care</p>

Portfolio Holder(s):	Cllr David Brown, Portfolio Holder Health and Wellbeing
Corporate Director	Betty Butlin, Director of Adult Social Care Phil Hornsby, Interim Corporate Director for Well-Being
Contributors	Chris McKenzie, 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. 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 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
7. 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.
 8. 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.
 9. 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.
 10. 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

11. An interim CQC preparation lead has been recruited and has been in post since the start of January 2023.
12. A comprehensive self-assessment has been written with input from staff and stakeholders setting out our areas of strength and areas for development against each of the key themes.
13. A bespoke safeguarding review to assess our arrangements to safeguard adults was undertaken by an independent consultant in March 2023.
14. An LGA peer challenge took place in June 2023 to test our self-assessment and readiness for CQC assurance, using the CQC framework.
15. At the time of writing this report we are awaiting the report from the peer review team. Once received we will use the report to update the self-assessment and to create an action plan to address key considerations.

Summary of legal implications

16. 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

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

Summary of environmental impact

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

Summary of public health implications

19. 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

20. 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.
21. 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

22. There is a risk that a poor assessment by CQC of the Council's arrangements could lead to intervention from the Secretary of State.
23. 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.
24. 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 \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/People-at-the-Heart-of-Care-adult-social-care-reform-white-paper.pdf)

[Health and Care Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/12/section-1)

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

[Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/22/contents)

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

[Carers Strategy 2022-27 \(bcpcc.gov.uk\)](https://www.bcpcc.gov.uk/carer-strategy-2022-27)