

5 October 2015

Agenda Item: 11

## **REPORT OF THE SERVICE DIRECTOR FOR STRATEGIC COMMISSIONING, ACCESS AND SAFEGUARDING**

### **CARE HOME PROVIDER CONTRACT SUSPENSIONS**

#### **Purpose of the Report**

1. The purpose of the report is to give an overview of live suspensions of care home provider contracts in Nottinghamshire.

#### **Information and Advice**

2. Some information relating to this report is not for publication by virtue of Schedule 12A of the Local Government Act 1972 and is therefore included in an **Exempt Appendix**. Having regard to all the circumstances, on balance the public interest in disclosing this information does not outweigh the reason for exemption because the information would add a limited amount to public understanding of the issues but may damage the financial or business affairs of any particular person (including the Council).
3. Nottinghamshire County Council places significant emphasis on monitoring the standard of the care which it commissions through independent sector providers, and supporting providers to make improvements. The Council undertakes this monitoring work in partnership with other agencies, including the relevant Clinical Commissioning Groups (CCG), Healthwatch, and on occasion, the Care Quality Commission (CQC), and shares information routinely with these organisations to build up a picture of risk levels and impact on outcomes for people accommodated at the services.
4. Quality Development Officers (QDO) undertake annual quality audits for older people's care homes within Nottinghamshire that the Council contracts with to inform the allocation of a 'banding' to which a fee level is attributed. The same staff also undertake audits for younger adults' care homes and both work programmes are determined and managed through a risk based approach. Since April 2014, these work programmes have been conducted in partnership, where possible, with quality monitoring staff from the appropriate CCG, which enables both health and social care commissioners to identify and act on shortfalls in outcomes for people in partnership.
5. Concerns expressed by people accommodated at a service, care workers, professionals and other agencies, safeguarding referrals, and inspections by CQC result in additional responsive visits by our QDOs and CCGs. The Council and health partners might at this point issue an improvement notice, which is warranted where a breach of contract has been evidenced. If subsequent improvement is not forthcoming, is protracted, or there is a significant potential of or actually evidenced poor outcomes for people accommodated

at the service, then the Council and health partners jointly might move to a position of suspending the contract with the provider. This means that no further Council and CCG-funded users would be placed in that facility to enable the provider to focus on making improvements. A voluntary undertaking not to admit people who fund their own care and support to the service might also be sought from the provider. Whilst this is not legally binding, it does signal a more positive approach to partnership working and commitment to improve from the provider. It does not exclude the formal contract suspension being evoked at a later point.

6. The Council's Care & Support Services Directory provides the following information on and explanation of suspensions to people researching services:

*While all care homes/care homes with nursing are required to be registered with the Care Quality Commission, if we are contributing to your care fees, then we will have a separate agreement in place with the care home/care home with nursing. This is done to ensure that the Council and the care home/care home with nursing know exactly what is required from the service.*

*Occasionally it may be necessary to temporarily suspend placements into a care home/care home with nursing.*

*This may be done for a variety of reasons:*

- *to investigate a concern*
- *to allow time for improvements to be made*
- *to take the pressure off a care home/care home with nursing if they are experiencing a problem.*

*Sometimes a care home/care home with nursing itself may request a temporary suspension of placements so that it can make changes.*

*While a placement suspension is in place no further local authority placements will be made to the care home/care home with nursing and alternative placements should be sought.*

*If there are serious concerns about a care home/care home with nursing, residents and/or their relatives will be informed of the situation.*

7. If, despite the intervention of a suspension and further support, improvements are not forthcoming, are exceptionally slow, or if poor quality care continues to be evidenced, the Council would consider a move to terminate the contract with that provider.
8. Currently the contracts for three care homes are suspended by the Council. Further detail is given in the **Exempt Appendix** to this report. A task force was set up within the Market Development Team in January 2014 to offer specialist advice and support to care homes identified as providing poor quality care. The team has worked with 32 providers since its creation to plan and agree the required actions for improvement with clearly defined timescales. Key targets included ensuring the care homes have a suitably trained, qualified and registered manager to provide leadership and appropriately trained nursing

staff, where relevant. In addition, the monitoring of quality by providers themselves has also been a focus.

9. The task force work combined with robust application of the Council's escalation process has both held care home providers to account and resulted in the lowest level of care homes under contract suspension in five years at 3 compared to 15 over 2013.
10. The Council makes a range of agencies and internal stakeholders, including operational staff and ward Councillors, aware of a suspension. If a service is suspended then people accommodated and their relatives are notified by the Council in partnership with the provider, the CCG and CQC, where relevant via a relatives meeting, along with the reason for suspension, prior to more general public information release.
11. The lifting of a suspension is undertaken once the Council and partner agencies are satisfied that improvements can be sustained, and in discussion with the provider.

### **Other Options Considered**

12. The methodology for the Council's risk escalation procedure and its relationship with other relevant agencies has been developed through a partnership approach over many years. No other options have therefore been considered.

### **Reason/s for Recommendation/s**

13. The report is for noting.

### **Statutory and Policy Implications**

14. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

15. There are no financial implications.

### **Human Resources Implications**

16. There are no human resources implications.

### **Implications for Service Users**

17. Some of the most vulnerable adults are in care home placements. It is imperative that the services that they receive are of good quality and are delivered with dignity and respect. Suspensions of services seek to reduce and wherever possible eliminate poor quality care home provision and enable providers to consolidate and improve the care and support to people accommodated.

## **RECOMMENDATION/S**

- 1) That the overview of live suspensions of care home provider contracts in Nottinghamshire be noted.

**Caroline Baria**

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### **Constitutional Comments**

18. As this report is for noting only, no Constitutional Comments are required.

### **Financial Comments (KAS 14/09/15)**

19. There are no financial implications contained within the report.

### **Background Papers and Published Documents**

None.

### **Electoral Division(s) and Member(s) Affected**

All.