



16 May 2016

Agenda Item: 10

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

CARE HOME PROVIDER CONTRACT SUSPENSIONS

Purpose of the Report

1. The purpose of the report is to provide an overview of quality auditing and monitoring activities in care homes and of current contract suspensions with care home providers.

Information and Advice

Quality Audits and Quality Monitoring

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 Some information relating to this report is not for publication by virtue of Schedule 12A of the Local Government Act 1972 and is therefore included in an **Exempt Appendix**.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 quality and standard of the care for services commissioned from independent sector providers and in supporting providers to make required improvements. The Council undertakes this monitoring work in partnership with other agencies, including the relevant Clinical Commissioning Groups (CCGs), Healthwatch and the Care Quality Commission (CQC). Information is routinely shared with these organisations in order to build up a picture of any risk levels and the associated impact on outcomes for people accommodated at the services.
4. Quality Monitoring Officers (QMOs) currently undertake annual quality audits in older people's care homes within Nottinghamshire and these audits inform the banding of the home for the next financial year. The bandings determine the fee level to be paid to each home and they act as an incentive for continuous improvement. The QMOs also undertake annual audits in 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 relevant CCG.
5. Additionally, the QMOs undertake responsive visits following concerns raised by people accommodated at a service or their relatives, care workers and other

professionals e.g. as a result of a safeguarding referral or an Infection Prevention Control audit, and other agencies such as the CQC.

6. Following a responsive monitoring visit, or annual audit, where it becomes evident that the quality of care is not at the required standards, the Council can take a number of actions. In most cases, the Council and health partners will issue an improvement notice which highlights the areas of concern and requires the provider to make improvements within an agreed timescale. Where action hasn't been taken to make the required improvements, is protracted, or where there is evidence that the quality of care continues to deteriorate, then the Council and health partners might jointly move to suspending the contract with the provider. This means that no further Council or CCG funded people would be placed in that facility whilst the suspension is in place. Alongside this, a voluntary undertaking might also be agreed with the provider, so that people who fund their own care are not placed in the home whilst the suspension is in place. Whilst this is not legally binding it does signal a positive commitment from a provider to partnership working/to make required improvements.
7. When an improvement notice has been issued, or a contract suspended, staff from both the Council and the CCG will work with the provider and closely monitor the service in order to support the required improvements.
8. The Council's Care and Support Services Directory includes the following information for people researching services in relation to care home contract suspensions:

While all care homes/care homes with nursing are required to be registered with the Care Quality Commission, if we (NCC) 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.

9. The Council ensure that a range of agencies and internal stakeholders, including operational staff and ward Councillors, are informed when a contract is to be suspended. Following a suspension, people living at the home and their relatives are notified by the Council together with the care home provider, the CCG and CQC. Meetings are also held with residents and their families at which the reason for the

suspension and the concerns are explained so that support is given; such meetings are held prior to more general public information release.

10. The lifting of a suspension is undertaken once the Council, and partner agencies, are satisfied that improvements made can be sustained, and in discussion with the provider.
11. In exceptional circumstances the Council, together with CCG partners, will take steps to terminate a contract with a care home because of serious and sustained concerns about the quality of care and the risks this continues to pose to the health and wellbeing of the residents.

Current Contract Suspensions

12. There are 285 care homes in Nottinghamshire; 173 are older people's care homes and 112 are younger adults' care homes. As at 12 April 2016 there are six care homes in Nottinghamshire where the contracts are suspended of which four are older adults' care homes and two are younger adults' care homes. Further detail is given in the confidential **Exempt Appendix** to this report.

Other Options Considered

13. 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

14. The report is for noting.

Statutory and Policy Implications

15. 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

16. There are no financial implications arising from this report.

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 quality auditing and monitoring activities in care homes and live suspensions of care home provider contracts in Nottinghamshire be noted.

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Constitutional Comments

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

Financial Comments (KS 29/04/16)

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

Background Papers and Published Documents

None.

Electoral Division(s) and Member(s) Affected

All.

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