



6th January 2014

Agenda Item: 5

**REPORT OF THE CORPORATE DIRECTOR FOR ADULT SOCIAL CARE,
HEALTH AND PUBLIC PROTECTION**

**EXTENSION OF THE SECONDMENT OF COMPLIANCE MANAGER FROM
THE CARE QUALITY COMMISSION TO NOTTINGHAMSHIRE COUNTY
COUNCIL**

Purpose of the Report

1. The purpose of the report is to:
 - i. provide a progress update to the Committee on the secondment of the Compliance Manager from the Care Quality Commission (CQC) to the County Council.
 - ii. recommend members note and approve the next phase of the work to improve the quality of care at homes within the County and to support the development of further capacity for high quality specialist dementia care and end of life care home provision
 - iii. seek approval to extend the secondment of the CQC Compliance Manager for a further 12 month period until January 2015

Information and Advice

2. At the Adult Social Care and Health Committee on 17 January 2013, members approved the secondment of one of the CQC's Compliance Managers to the County Council for a 12 month period. The purpose of the secondment was to share knowledge and expertise about care standards and to further support the development of the care market. This initiative has been one of a range of measures to enhance the joint working between the Council and the CQC to improve the quality of care services across Nottinghamshire.
3. At the same time, members also approved one of the Council's Market Development Officers to be seconded to the local CQC office to undertake the role of an inspector. This opportunity will enable a better understanding of how the role of the Council's Market Development Team can complement the regulatory responsibilities of the CQC.

4. The Compliance Manager commenced her secondment with the Council on 23 January 2013. Since this time the officer has been leading or contributing to a number of activities including the following:
 - completion of a review of the effectiveness of current quality monitoring processes
 - review and revision of the annual audit framework to make the annual audits outcomes based
 - development of a risk tool which collates and holds qualitative intelligence about care providers and which is used as the basis of information sharing with partner agencies and to focus on service improvements
 - review and update of the multi-agency escalation process to enable the effective oversight of failing providers
 - implementation of the Dementia Quality Mark
5. One of the officer's key tasks has been to co-ordinate a specific project called the 'Strategic Review of the Care Home Market,' chaired by Allan Breeton, the Independent Chair of the Nottinghamshire Safeguarding Adults Board. This review has looked at the existing mechanisms to promote and support a diverse and robust market of care home provision and has included:
 - reviewing the measures that are currently in place to identify and monitor risks to service users
 - ensuring there are clear risk escalation processes and plans to enable continuity of care for people who live in care homes in cases of provider failure
 - identifying any gaps in existing processes across health and social care with a view to making recommendations on how these measures can be improved
6. The strategic review has been completed jointly with staff within the Council, all seven Clinical Commissioning Groups (CCGs) across the County and the City, and officers from the City Council. The two County and City Healthwatch organisations have also been involved in the review. Representation from the Nottinghamshire Care Association and care home providers has also been sought in completing this work. The findings of the review and recommendations for development and improvements are due to be presented at the final meeting later in the month.
7. Since commencing the secondment, the CQC Compliance Manager has helped enhance partnership working between the local CQC staff and officers from the Council and the CCGs, for example, there was improved communication and co-ordination between the respective agencies following a recent contract termination resulting in the closure of a care home in Kirkby in Ashfield. However, despite these improvements, there is still more work to be done.
8. Some benchmarking data has recently been received from the CQC which shows that Nottinghamshire does not have higher numbers of care homes failing to meet CQC's 5 essential standards compared to our nearest neighbours, however the

Council is keen to take further proactive measures to address poor quality. Detailed analysis of the information has been completed by the seconded Compliance Manager which shows that the high level of monitoring and auditing completed by the Council's Quality Monitoring Officers has enabled them to provide evidence to the CQC of poor practice in some specific care homes in the County. This has then led to the CQC undertaking further inspections and subsequently taking enforcement action against those particular homes.

9. In his capacity as Vice President of the Association of Directors of Adult Social Services (ADASS), David Pearson is to meet with CQC's Chief Executive Officer, David Behan, and the Chief Inspector of Care Services, Andrea Sutcliffe, to discuss the learning from the local secondment arrangements and to consider how the benefits may be shared in other regions.
10. Over the past 18 months, there have been four older persons' care homes that have closed as a result of concerns around the quality of care; three in the County and one in the City. Each of these has resulted in health and social care staff having to take planned but nonetheless urgent action to move residents to other homes because of significant risk to their health and well being. The Council and the CCGs only take the course of action to terminate contracts with care homes as a last resort because it is recognised that it could be harmful and distressing for frail and vulnerable elderly people, including those that are at the end of life, to have to move out of their home. Carers and relatives are equally ambivalent about residents having to move to another care home. It is therefore imperative that all efforts are made to reduce the risk of care homes failing but at the same time to plan significantly in advance should there be a need to terminate a contract with a care home provider in the future.
11. In order to progress the work undertaken in the past two years to address poor quality care, the Council is proposing to take a more targeted approach in relation to the few homes that are persistently failing to provide good quality care services. The proposed measures will entail the Council's staff working jointly with lead and specialist nurses, pharmacy advisors and quality monitoring staff within the CCGs specifically with the failing homes over a fixed period of time to oversee significant and sustained improvement. From the onset, these specific homes would be notified of the Council's and the CCGs' intentions to develop exit strategies with those providers with a view to termination of contracts should the required improvements not be delivered. This would enable the Council and the CCGs to take a more strategic and proactive approach in relation to failing care homes.
12. Part of this initiative would include the Council and CCG commissioners working in partnership with care home providers who are consistently delivering high quality or excellent quality services to enable them to take a proactive role in mentoring and supporting poor quality providers to improve. Sector led improvement has already been instigated through funding from the Workforce Development grant with the 'My Home Life' leadership and development work stream under the Community Programme. There is a clear desire and drive amongst some care home managers to lead further improvements amongst care homes.

13. It is proposed that patient and carer representatives are invited to contribute to the programme of work and the two Healthwatch organisations have sought input. The 6 County CCGs have given their full commitment to this targeted approach.
14. At the same time as tackling and significantly reducing poor quality care home provision, it is important to ensure that there is sufficient high quality care home provision to meet current and future needs, such as for people with complex or challenging behaviour or end of life care. It is therefore imperative for further work to be undertaken to help develop some of these specialist services in parts of the County where there are identified gaps in provision. This work will entail working with providers who have a good track record of providing high quality services in the County or in the region.
15. Staffing capacity will be required to implement this programme of work and it is proposed that the secondment of the CQC Compliance Manager is extended for a 12 month period in order to lead and co-ordinate this work. The Regional Director of Compliance at the CQC is keen to support this targeted approach and has agreed to release the Compliance Manager for a further 12 month period.

Reason/s for Recommendation/s

16. This report is to inform members of the progress made in the work undertaken by the Compliance Manager and to seek approval for the extension of the secondment for a further 12 months.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, 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

18. The salary of the Compliance Manager, plus on-costs, is £49,000 for a further 12 month period. It is proposed that this is met from the Adult Social Care, Health and Public Protection Transformation Reserve.

Human Resources Implications

19. This report seeks approval for the extension of the secondment of the CQC Compliance Manager for a further 12 month period.

Implications for Service Users

20. Some of the most vulnerable older people 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. The proposals in this report seek to reduce and

wherever possible eliminate poor quality care home provision whilst at the same time supporting the development of further high quality care home services particularly in relation to dementia care and end of life.

Ways of Working Implications

21. As the CQC Compliance Manager is currently on secondment to Nottinghamshire County Council they are already accommodated within existing office resources.

RECOMMENDATION/S

It is recommended that the Adult Social Care and Health Committee:

- 1) note the progress made by the CQC Compliance Manager over the past 12 months
- 2) note and approve the targeted approach to improve the quality of care homes and in supporting the development of some additional capacity for high quality specialist care home provision in those parts of the County where there is limited provision
- 3) approve an extension of the secondment of the Compliance Manager for a 12 month period, to be funded from the Adult Social Care, Health and Public Protection Transformation Reserve.

DAVID PEARSON

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Constitutional Comments (KK 13.12.13)

22. The proposals in this report are within the remit of the Adult Social Care and Health Committee.

Financial Comments (KAS 18.12.13)

23. The financial implications are contained within paragraph 18 of the report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Previous reports regarding the secondment to the Adult Social Care and Health Committee:

[22nd July 2013](#)

[7th January 2013](#)

Electoral Division(s) and Member(s) Affected

All.

ASCH183