

8 October 2018

Agenda Item: 14

REPORT OF THE SERVICE DIRECTOR, STRATEGIC COMMISSIONING ACCESS AND SAFEGUARDING

QUALITY AND MARKET MANAGEMENT TEAM QUALITY AUDITING AND MONITORING ACTIVITY - CARE HOME AND COMMUNITY CARE PROVIDER CONTRACT TERMINATION/SUSPENSIONS

Purpose of the Report

1. The purpose of the report is to provide an overview of quality auditing and monitoring activity undertaken by the Quality and Market Management Team (QMMT) in care homes and give an update on the current contract suspensions with care home providers.

Information

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 Some information relating to this report is not for publication by virtue of Schedule 12A of the Local Government Act 1972 and is therefore included in an **Exempt Appendix**.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 continues to place significant emphasis on monitoring the standard of the care which it commissions through independent sector providers and in supporting providers to make required improvements where necessary. 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 risk levels and the associated impact that these may have for people accommodated at the services.
4. Quality Monitoring Officers (QMOs) currently undertake annual quality audits in older people's care homes within Nottinghamshire (that the Council contracts with) which informs the allocation of a 'banding' (which corresponds to an allocated fee level). These staff also undertake annual audits in younger adults care homes and both work programmes are determined and managed through a risk based approach. This approach has been developed in partnership over several years.

5. From April 2016 the QMMT saw a reduction in posts as a part of the Council's Redefining Your Council savings plans and to accommodate this the team is now working slightly differently in that each of the QMO's now holds an individual portfolio of services. This enables them to have an overview of individual services and also of providers that may have a number of homes in the County. In addition to this the relationships with CCGs and the CQC are continuing to develop and information sharing is more proactive enabling the reduction of duplication of work load. Joint visits are also undertaken where possible to reduce the time that audits take; this is particularly effective at larger services. QMMT staff also make themselves available to residents' relatives when they attend services so that they can gain feedback about the quality of the services provided and whether they are meeting people's agreed outcomes. Where concerns have been raised and relatives' meetings held these have also been attended by QMMT, operational and CCG representatives. In some circumstances the CQC has also attended.
6. Staff from the QMMT also attend operational team meetings with CCG colleagues to share information and discuss local services. Where concerns have been raised, whether that be about quality issues or because of a safeguarding referral, responsive visits to individual services are undertaken to ensure that appropriate support is given to individual services.
7. Following a responsive monitoring visit, or annual audit, where evidence is gathered that indicates the terms of the contract have been breached, a number of actions can be taken. The Council, and health partners, might decide to issue an 'improvement notice' which requires the provider to make required improvements within an agreed timescale. If subsequent improvement is not made in a timely manner or the service is delivering poor outcomes for people, 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 service. Alongside this a voluntary undertaking might also be sought, from the provider, not to admit people who fund their own care - whilst this is not legally binding it does signal a positive commitment from a provider to partnership working to make required improvements.
8. When an 'improvement notice' has been issued, or a contract suspended, staff from both the Council and the CCG will work together closely to monitor the providers to make the required improvements. In exceptional circumstances where the required improvements have not been made, the Council and the CCGs are able to terminate a contract. It is only the CQC that can make a decision to close or de-register a service.

Current Contract Suspensions

9. As at 6 September 2018 there are 285 homes across the County that have a contract with the Council, of which three have their contracts suspended all of which are older people's care homes. . Further detail is given in the confidential **Exempt Appendix** to this report.
10. Where a service is suspended then the Council makes a range of agencies and internal stakeholders including operational staff and ward Councillors aware of a suspension. In addition to this the people living at the service and their relatives are notified by the Council in partnership with the provider, the CCG and CQC. Meetings are also held for

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.

11. The lifting of a suspension is undertaken when the Council, and partner agencies, are satisfied that improvements have been made and that they are sufficiently confident that they can be sustained.

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 provides an opportunity for the Committee to consider any further actions arising from the issues contained within the report.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment 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 arising from this report.

Implications for Service Users

16. 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

That:

- 1) Members consider whether there are any actions they require in relation to the issues contained in the report
- 2) Members advise how the Committee wishes to monitor the actions/issues contained within the report.

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Constitutional Comments (LM 25/09/18)

17. The Adult Social Care and Public Health Committee is the appropriate body to consider the contents of the report. Members will need to consider whether there are any actions they require in relation to the issues contained within the report.

Financial Comments (DG 20/09/18)

18. The financial implications are contained within paragraph 15 of this report.

Background Papers and Published Documents

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.

None.

Electoral Division(s) and Member(s) Affected

All.

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