



TO: Adults and Health Scrutiny Committee

FROM: Strategic Director Adults and Health

DATE: 22nd September 2023

PORTFOLIOS AFFECTED: All

WARDS AFFECTED: All

TITLE OF REPORT: Care Quality Commission – LA Regulation

1. PURPOSE

The purpose of this report is to provide an update on the key changes relating to the Regulation of Local Authorities by the Care Quality Commission (CQC) and to provide an update on the local authority's preparations.

2. BACKGROUND

In February 2021 the government released its Integration and Innovation Policy paper which introduced a new assurance framework for Adult Social Care and the Integrated Care System. The Care Quality Commission (CQC) have been inspecting registered providers of care for many years and under this policy CQC have acquired a new duty to independently review and assess how Local Authorities are delivering on their Care Act functions.

The focus of CQC inspection is on the legislative framework and how we meet our statutory responsibilities. The assurance and inspection process via CQC commenced on 1st April 2023. CQC plan to assess all local authorities across the country within 2 years and ratings will be published as outstanding, good, requires improvement, inadequate.

CQC aim to streamline and simplify their assurance process by creating one single assessment framework against which to assess Health and Social Care. The overarching CQC strategy describes a core ambition of tackling health inequalities and ensuring that people receive high quality care and support. The revised CQC strategy has four main themes:

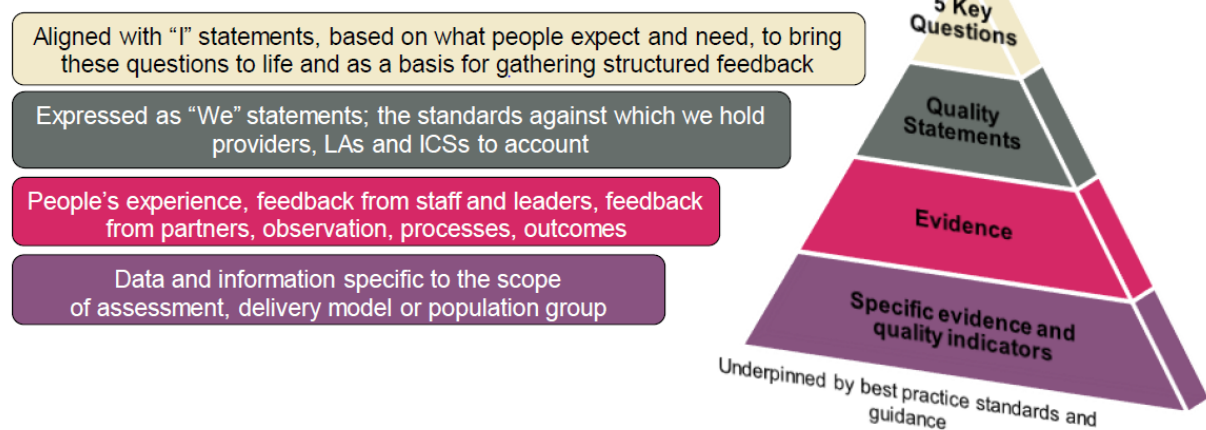
- People and communities: Regulation that is driven by people's needs and experiences, focusing on what is important to people and communities when they access, use and move between services
- Smarter regulation: Smarter, more dynamic and flexible regulation that provides up-to-date and high-quality information and ratings

- Safety through learning: Regulating for stronger safety cultures across health and care, prioritising learning, improvement and collaboration - valuing everyone's perspective
- Accelerating improvement: Enabling health and care services and local systems to access support to help improve the quality of care where it is needed most

CQC continue to work with Local Authorities and wider partners to develop their assurance framework, refine their approach and issue guidance to support inspection.

The proposed framework focuses on 5 key questions: Is the local authority Safe – Effective – Caring – Responsive to People's needs – Well Led? Local authorities and Integrated Care system will be inspecting against key themes set out below:

Our framework will assess providers, local authorities and integrated care systems with a consistent set of key themes, from registration through to ongoing assessment



Scrutiny Committee will be aware that Oflog has also been introduced by the government as a new performance body aimed at understanding and supporting local government performance across England. The Office for Local Government (OFLOG) is an office of the Department for Levelling Up, Housing and Communities (DLUHC). Oflog seeks to provide greater transparency and accountability in local authorities' performance by collecting and analysing data in key areas. It will serve as a regulatory body, will offer guidance and support to local authorities and give recognition to Councils that perform well.

The vision for OFLOG is to provide authoritative and accessible data and analysis about the performance of local government, and to support its improvement.

The establishment of the new system will help to emphasise devolving powers and funding to communities while ensuring effective accountability. The objective is to create a framework where councillors and the public feel confident and have access to necessary information to scrutinise local decisions.

OFLOG have created a Local Authority Data Explorer Tool, which is designed to present an overview of LAs performance. Currently the data explorer covers 4 areas of performance. These are:

- Adult Social Care
- Waste management
- Adult skills
- Local authority finance

Scrutiny Committee are asked to note that 50% of the indicators initially used to assess the performance of Local Authorities relate directly to the Adults and Health Department.

In addition to the Oflog changes the government have also changed policies in relation to the statutory reporting framework for Adult social Care performance metrics. Changes in respect of the Adult Social Care Outcomes Framework (ASCOF) and new Client Level Dataset requirements.

All of these reforms represent significant change to the legislative framework that Adult Social Care works within and will also form part of the overall CQC Assurance Framework and assessment process.

3. KEY ISSUES

As set out above CQC will be assessing all Local Authorities (LAs) with Adult Social Care (ASC) responsibilities on how they carry out their duties under Part 1 of the Care Act. There is a general focus on 4 overarching themes:

1. How local authorities work with people
2. How local authorities provide support
3. How local authorities ensure safety within the system
4. Leadership

The single assessment framework is based on a set of quality statements which are arranged under topic areas and describe what good care looks like using the 'we' statements which can be seen in the diagram below:

Working with People: assessing needs, care planning and review, direct payments, charging, supporting people to live healthier lives, prevention, wellbeing, information and advice			Providing Support: shaping, commissioning, workforce capacity and capability, integration and partnership working	
Assessing Needs	Supporting people to live healthier lives	Equity in experiences and outcomes	Care provision, integration and continuity	Partnerships and communities
We maximise the effectiveness of people's care and treatment by assessing and reviewing their health, care, wellbeing and communication needs with them.	We support people to manage their health and wellbeing so they can maximise their independence, choice and control, live healthier lives, and where possible reduce their future needs for care and support.	We actively seek out and listen to information about people who are most likely to experience inequality in experience or outcomes. We tailor the care, support and treatment in response to this	We understand the diverse health and care needs of people and local communities, so care is joined-up, flexible and supports choice and continuity.	We understand our duty to collaborate and work in partnership, so our services work seamlessly for people. We share information and learning with partners and collaborate for improvement
Ensuring Safety: safeguarding enquiries, reviews, Safeguarding Adults Board, safe systems, pathways and continuity of care			Leadership: culture, strategic planning, learning, improvement, innovation, governance, management and sustainability	
Safe systems, pathways and transitions		Safeguarding	Governance	Learning, improvement and innovation
We work with people and our partners to establish and maintain safe systems of care, in which safety is managed, monitored and assured. We ensure continuity of care, including when people move between different services.		We work with people to understand what being safe means to them and work with them as well as our partners on the best way to achieve this. We concentrate on improving people's lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm and neglect, and we make sure we share concerns quickly and appropriately.	We have clear responsibilities, roles, systems of accountability and good governance to manage and deliver good quality, sustainable care, treatment and support. We act on the best information about risk, performance and outcomes, and we share this securely with others when appropriate.	We focus on continuous learning, innovation and improvement across our organisation and the local system. We encourage creative ways of delivering equality of experience, outcome and quality of life for people. We actively contribute to safe, effective practice and research

Between April and September CQC have completed their five pilot assessment site visits at Lincolnshire, Nottingham City, Birmingham City, North Lincolnshire and Suffolk.

For each local authority in the pilot, CQC will provide a report and indicative scores for all the 4 quality statements. The Department of Health and Social Care (DHSC) has also requested an overall indicative rating be provided. CQC will publish findings on their website.

Given that the Single Assessment Framework is new for LAs, CQC are constantly evaluating their approach throughout the pilots. They will incorporate any learning into formal assessments, which will start later this year, rather than in September as previously planned. Recent updates from CQC suggest that the next 20 assessments, originally planned for September to December, had not yet been confirmed internally and were likely to be announced in October, delivering through to January. The approach to formal assessments may be subject to further government approval, as required by the Health and Care Act 2022. The aim is still to have all LAs assessed within 2 years of the framework being released on 01/04/2023.

4. PROGRESS

BWD Preparation for CQC assessment has been in progress since January 2023. The department have established a small dedicated team to support co-ordination and collation of all activity across the department and the whole Council. Funding for the Quality and Assurance team was agreed from the portfolio underspend in 21/22 however the short term nature of this funding has presented challenges for the recruitment of key roles within the team. The assurance team roles are now being

considered as part of the wider restructure of the Finance and Performance function for Adult Social Care and a full structure is expected to be in place within the next 2-3 months. Despite these resourcing challenges the team continue to work with colleagues across the council to prepare for our assessment.

Once informed of our assessment date, CQC will submit a request for information to support their fieldwork activity in understanding how we deliver our ASC functions. This documentary evidence may include items such as plans, policies, procedures, reports and data.

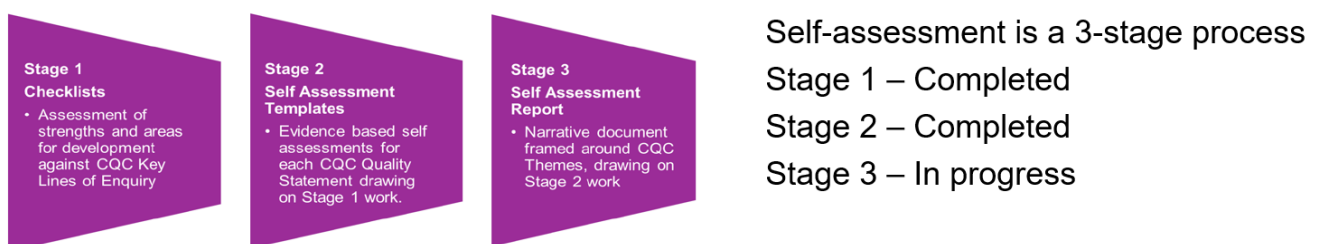
The Quality Assurance Team have been working closely with subject matter leads, under the 4 topic areas, to collate as much evidence as possible given our current knowledge, informed by ADASS recommendations and feedback from the pilot sites.

So far:

- 80% of evidence has been gathered and is proceeding through sign off and publication on Tri-x or store in evidence library
- 18% of evidence is in the process of being gathered and has a named lead/owner
- 2% of evidence represents a gap and is currently subject to discussion and risk assessment

The Quality Assurance Team meet with subject matter leads on a weekly basis to ensure traction on evidence gathering. There is also a monthly governance Group which facilitates the official sign off of evidence and highlights any risks.

It is strongly recommended that Local Authorities complete a self-assessment as part of their assurance readiness work. We have been working on completing our self-assessment using the 3-stage approach recommended by ADASS as below:



The first iteration of our self-assessment report was shared for discussion in the CQC Assurance Governance Group on 29/08/2023. From there, further amendments will be made, and a final version shared for sign off.

It has been requested that LAs share a copy of their self-assessment with North West ADASS by 29/09/2023 to inform a region-wide analysis of themes and the department is on target to meet this deadline. This Sector Level Improvement activity is welcomed and we plan to share our assessment.

5. POLICY IMPLICATIONS

None with this report, however policy changes required as a result of the CQC

Assurance Framework and across social care will be considered and further updates reported to Executive Board as needed.

6. FINANCIAL IMPLICATIONS

There are very significant financial implications and risks associated with any CQC judgement which is not good or outstanding which cannot be quantified at this stage.

At its simplest there is a need to ensure we have adequate resources across the department to ensure we are meeting our statutory duties.

Additional resources are also required for both CQC preparedness and ongoing performance monitoring:

- Additional costs relating to the establishment of a Performance, quality assurance and business intelligence function to manage our assurance, evidence and statutory reporting requirements. The cost of this will be managed from existing resources identified from the Adults and Health budget.
- Increased resources required in other parts of the Council, for instance finance, HR, procurement, legal services.

7. LEGAL IMPLICATIONS

None with this report however all future formal governance arrangements will be agreed in accordance with Social Care legislation and the Council Constitution.

8. RESOURCE IMPLICATIONS

The initial resource implications are being managed within the existing Commissioning and Finance team within Adults and Health. Further resource implications are anticipated and will require further assessment to understand the full resource implications. Continued Member and Officer time and commitment are required in order to manage the CQC assurance process and any subsequent requirements following future outcome and judgement of our inspection.

Report Version: 1.0

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