

**Meeting:** Adult Social Care and Health Overview and Scrutiny Sub-Board

**Date:** 23<sup>rd</sup> February 2023

**Wards affected:** All

**Report Title:** Care Quality Commission Regulation of *local authority* functions relating to adult social care

**When does the decision need to be implemented:** Updates requested by Scrutiny Board

**Cabinet Member Contact Details:** Councillor Stockman

**Director/Divisional Director Contact Details:** Report by Cathy Williams, Strategic Lead for Adult Social Care Quality and Assurance on behalf of the Director of Adult Social Care, Joanna Williams.

## 1. Purpose of Report

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1. To provide the Scrutiny Sub-Board with information regarding changes brought about by the Health and Social Care Act 2022, in relation to the regulation by the Care Quality Commission of *local authority* adult social care functions.

## 2. Reason for Proposal and its benefits

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- 2.1 The report will provide Members of the Board with awareness on the new Care Quality Commission regulatory powers to undertake independent assessment of *local authorities'* delivery of adult social care functions and visibility and assurance on how Torbay Council are preparing for this new assurance process.

## 3. Recommendation(s) / Proposed Decision

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- 3.1 For Members of the Board to note the contents of the report
- 3.2 Officers to follow up regarding any requirements from discussions or specific actions from the Board.

## Appendices

**Appendix 1:** Torbay Council CQC Assurance Readiness Report

### 1. Introduction

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- 1.1 As part of the Health and Care Act 2022 the Care Quality Commission (CQC) has been given additional responsibilities and powers to review, assess and report on council regulated adult social care functions under Part One of the 2014 Care Act, such as prevention, information and advice, market shaping and support services.
- 1.2 It is likely that there will be a single overall rating at Local Authority level, and it is envisaged there will be four rating levels outstanding, good, requires improvement, inadequate. The Act also gives powers to the Secretary of State, to direct Local Authorities or intervene, if satisfied that a local authority is not discharging its functions under the Care Act to an acceptable standard
- 1.3 The new The Local Authority assessment framework will go live in 2023/24 and will be the first time since 2010 that Adult Social Care functions are assessed.

### 2. CQC Assessment Framework and Our Assurance Implementation

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- 2.1 **CQC Assurance Framework.** The new CQC assessment framework is based around four domains and nine quality statements:
  - **Domain One: Working with People**
    - Assessing Needs
    - Supporting people to live healthier lives
    - Equity in experiences and outcomes
  - **Domain Two: Providing Support**
    - Care Provision, integration, and continuity
    - Partnerships and communities
  - **Domain Three: Ensuring Safety**
    - Safe systems, pathways and transitions
    - Safeguarding
  - **Domain Four: Leadership**

- Governance, management and sustainability
- Learning, improvement and innovation

2.2 **CQC Assessment Approach:** In assessing Local Authorities performance against these domains, CQC will take into account a broad range of evidence, including (but not limited to);

<p><b>Peoples Experience</b></p> <p>Direct feedback from people with care and support needs, unpaid carers, people who fund or arrange their own care, those close to them and their advocates</p> <p>Compliments/complaints</p> <p>Feedback from people obtained by community and voluntary groups &amp; Healthwatch</p> <p>Adult Social Care Surveys</p> <p>Case tracking</p>	<p><b>Feedback from Staff and Leaders</b></p> <p>Principal social worker</p> <p>Social Care Front Line Teams</p> <p>Out of hours teams</p> <p>Adult social care portfolio holder</p> <p>Overview and scrutiny committee</p> <p>Director of Adult Services</p> <p>Chief Executive</p>
<p><b>Feedback from Partners</b></p> <p>Healthwatch</p> <p>Community groups and voluntary sector</p> <p>Local health partners</p> <p>Primary care</p> <p>Care providers</p>	<p><b>Process</b></p> <p>Charging and Eligibility Criteria</p> <p>Policies and procedures</p> <p>Strategies</p> <p>Information, Advice, Guidance and Website</p> <p>Safeguarding/Quality process</p>
<p><b>Generic</b></p> <p>Self-Assessment</p> <p>Finance; Use of Resources</p> <p>Performance Information; ASCOF Indicators, Survey Results.</p>	

The assessment process will entail both virtual work, on-site visits, and mystery shopping. At the end of the process, Local Authorities are likely to receive an assessment rating and a series of recommendations, leading to an improvement or indeed continuous improvement plan.

**2.3 Progress in Preparing for Assurance:** As noted previously Local Authorities Adult Social Care functions have not been subject to external review and assessment since 2010. As such there is considerable amount of work to prepare and be “assurance ready”. Much progress has already been made in this work including:

- Appointment of a Local Authority Lead for Assurance
- Review of Performance and Financial Benchmarking data
- Participating in Peer Support work across the Southwest ADASS Region
- Engagement activities, with a range of partners (see 5.1)
- Completion of the initial self-assessment
- Development of a Draft Improvement Plan

**2.4 Initial Findings:** The table below provides a high-level summary of strengths and areas for improvement. A more comprehensive and detailed breakdown by Theme is provided in Appendix 1.

Strengths	Areas for Improvement
Integration with health is deep and embedded	Development of Information, Advice and Guidance Offer
Voluntary and Community Sector is a strong partner	Direct Payments take up is lower than benchmarks
Strong Carers Offer	Lack of replacement care to support carers
Strengths based approach and three conversation model is embedded in practice	Transitions pathway via CAMHS requires improvement Waiting lists for ASC and social care OT
Clear Market Blueprint, setting future direction and shape of care provision	Contracts and contract management weak in some areas  Too many people in bedded care

<p>Good joint working with Devon with the joint Safeguarding Adults Board</p> <p>Clear governance in place with the Adult Social Care Continuous Improvement Board with an independent chair and multiagency membership</p>	
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**2.5 Next Steps in Preparing for Assurance:** In order to continue the assurance preparation a CQC Assurance Sub Group has been established in order to:

- Oversee the development of the Councils approach to CQC Assurance
- Oversee the process for assurance and engagement with the Integrated Care Organisation
- Oversee the process for stakeholder engagement and consultation.
- Ensure that all ASC staff, clients and service users, stakeholders, partners and providers have an opportunity to contribute and influence the programme and coproduction runs through the programme

An initial focus of the work programme will be to develop a further version of our self-assessment, develop our improvement plan and establish and maintain our evidence library.

### 3. Financial Opportunities and Implications

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3.1 None from this briefing

### 4. Legal Implications

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4.1 None from this briefing

### 5. Engagement and Consultation

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5.1 Completion of the self-assessment was undertaken in collaboration with a range of stakeholders, partners user groups and staff. An initial briefing has gone to the Adult Social Care Continuous Improvement Board with further engagement planned, for mid-February. It is recognised that the development of our self-assessment and assurance preparation is an ongoing process so further engagement activities will continue to take place.

### 6. Purchasing or Hiring of Goods and/or Services

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6.1 Not applicable to this briefing.

## 7. Tackling Climate Change.

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7.1 Not applicable for this briefing.

## 8. Associated Risks and other information

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8.1 **Not being “Assurance Ready”**; This risk has been mitigated by the employment of a specific post focussing on Quality and Assurance and the establishment of a CQC Assurance Progress. Progress is well underway and on track.

8.2 **Poor Assessment Rating**: This risk is being mitigated by building self-awareness through benchmarking, drafting of a comprehensive self-assessment and development of the improvement plan assessment.

## 9. Equality Impacts - Identify the potential positive and negative impacts on specific groups

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	Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
Older or younger people	X		
People with caring Responsibilities	X		
People with a disability	X		
Women or men			X
People who are black or from a minority ethnic background (BME) (Please note Gypsies / Roma are within this community)			X
Religion or belief (including lack of belief)			X
People who are lesbian, gay or bisexual			X
People who are transgendered			X
People who are in a marriage or civil partnership			X

Women who are pregnant / on maternity leave			X
Socio-economic impacts (Including impact on child poverty issues and deprivation)			X
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			X

## 10. Cumulative Council Impact

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10.1 None

## 11. Cumulative Community Impacts

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11.1 None