

PROVIDER QUALITY SUPPORT POLICY

Report from the Head of Adult Commissioning and Health

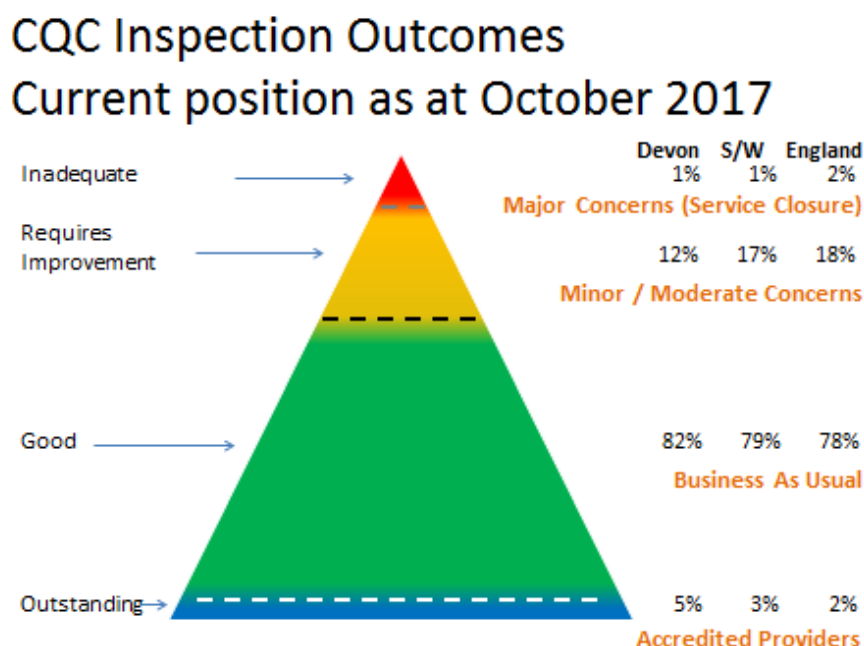
Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendation: that Cabinet adopt the proposed 'Provider Quality Support Policy' to replace the current 'Quality Threshold Policy'

1. Background/Introduction

- 1.1 The Care Act 2014 places greater emphasis on local authorities to support independent care providers of improve the quality of the care.
- 1.2 In response to this in 2014 Devon County Council (DCC) established the Quality Assurance and Improvement Team with a brief to:-
 - develop quality assurance arrangements across adult social care markets, coordinated with NHS colleagues and neighbouring Councils;
 - work responsively with providers to resolve quality issues;
 - work proactively to improve quality by promoting and sharing best practice;
 - develop quality risk profiling as a mechanism for earlier involvement with providers;
 - minimise the need for whole service safeguarding enquiries.
- 1.3 Significant progress has been made in the ensuing period towards achieving these aims resulting in more proactive and supportive approaches to safeguarding and quality assurance and significant reductions in levels of whole service safeguarding processes. Working arrangements of the quality teams within health and social care in Devon and across other local authorities in the South West peninsula are more integrated and there are plans for further integration in the future.
- 1.4 The overall result has been a significant improvement in the quality of Care Quality Commission (CQC) regulated care markets in Devon. The current position as at October 2017 (see diagram below) when compared with October 2015 shows: -
 - 5% (22 of a total of 433 CQC inspections) of providers now rated Outstanding by CQC compared to 2% two years ago (+3%);
 - 82% (354) rated Good compared to 63% (+19%);
 - 12% (54) rated Requires Improvement compared to 29% (+17%);
 - 1% (3) rated Inadequate compared to 6% (+5%).

- 1.5 Devon also compares well in comparison with the average of the South West and England, with 87% of services rated Good or Outstanding in Devon compared to 82% in the South West and 80% in England.



- 1.6 The Provider Quality Support Policy is the culmination of much work over the last two years by the operations, safeguarding and quality teams in adult health and social care working together to support Providers to achieve these notable outcomes.

2. What is the Provider Quality Support Policy (the Policy) for and why do we need it?

- 2.1 As borne out by the figures in section 1.4 and 1.5 above, the state of care in Devon is in a very good position and compares favourably to other areas. In addition to CQC inspection outcomes the Policy adopts a range of 'Early Indicators of Concern' which are monitored regularly to identify where early intervention / support could help to prevent further escalation of concerns. The 'Early Indicators of Concern' are constantly evolving, but as a guide some examples of these are: -

- safeguarding concerns;
- complaints;
- no manager in place at the service, or frequent changes in management;
- emergency hospital admissions, or hospital admissions for 'avoidable conditions' e.g. urinary tract infection;
- feedback from service users, relatives, visiting professionals, Healthwatch etc.

For further details see the tables on pages 25 and 26 of the Policy.

- 2.2 Monitoring 'Early Indicators of Concern' is achieved through a combination of: -
- systematic risk profiling, using available data (as per 2.1 above) to calculate risk scores for providers;
 - multi-agency group discussion of provider quality concerns.
- 2.3 As a result procedures have become more proactive enabling timelier support / intervention.
- 2.4 Having defined 'Threshold Levels' is fundamental to enable commissioners to make timely decisions. The 'Threshold Levels' are defined by 'Characteristics' which enable consistent application of the Policy, ensures that appropriate and proportionate responses are taken and enables 'Control Measures' to be established by commissioners should this be necessary e.g. a suspension of new placement to the service, serving a contract default notice etc. There are 6 'Threshold Levels' defined within the Policy as follows: -

Level	Quality Review Threshold Level Description
4	Service Closure
3	Major Concerns
2	Moderate Concerns
1	Minor Concerns
0	Business as Usual
-1	Accredited Provider

For further detail refer to pages 11 and 12 of the attached Policy.

- 2.5 Also of vital importance is the interface between 'Quality Thresholds' and whole service safeguarding adult Enquiry thresholds, which must be regularly reviewed to ensure the appropriate policy is followed. This is best illustrated by the process flowchart on page 23 of the attached Policy, which also provides indicative timescales.
- 2.6 In reality relatively few providers (circa 10% of the Devon market) have identified quality concerns of any significance, defined as 'Minor Concerns' within the Policy. The majority of these providers resolve those concerns quickly using the support networks available to them across health and social care as necessary, and will return to 'Business as Usual'. This is important when considering the Policy context and principles, those being: -
- a collaborative partnership between providers and commissioners;
 - proactive and supportive approaches: identifying quality concerns as early as possible and providing the support needed for sustained quality improvement;
 - where support / intervention is necessary the response is proportionate to the level of risk presented.
- 2.7 For around 2% of the market concerns will escalate further, either because the improvement required has not been achieved or not sustained, or due to nature or severity of concerns. These are defined as 'Moderate Concerns' in the

Policy and in these instances under the Policy a 'Provider Quality Review' is activated.

2.8 The purpose of a 'Provider Quality Review' is to: -

- act quickly to identify problems and improve care delivery;
- coordinate plans across all agencies involved;
- work out a plan of action which is transparent;
- prevent further escalation of quality concerns and avoid whole service safeguarding.

In doing so a 'Provider Quality Review' will manage communication, avoid duplication of effort across agencies and prevent unnecessary additional 'footfall' in the service that could unintentionally hinder quality improvement.

2.9 The most severe level of concern covered by the Policy is defined as 'Major Concerns', encompassing less than 1% of the market. At this level it is most likely that the provider has: -

- had a CQC inspection with an Inadequate rating;
- recently been in a whole service safeguarding process and is now deemed 'safe' (i.e. below whole service safeguarding thresholds).

As concerns escalate it becomes increasingly likely that thresholds for whole service safeguarding adult Enquiry will be met, but if they are not and there is a clear need for service improvement then the Policy will be used. Concerns can also escalate to become 'Major' because the provider is: -

- unwilling to engage with commissioners;
- not proactive and their quality assurance processes are ineffective;
- demonstrating conduct which falls below minimum acceptable standards;
- failing to meet outcomes in the service improvement plan and/or contract default notice(s).

2.10 'Service Closure' is defined as a 'Threshold Level' within the Policy but service closure will always be managed within whole service safeguarding.

3. How is the Policy going to be used?

3.1 The main application of the Policy will be to manage provider quality concerns through 'Provider Quality Reviews' as described in detail within the attached Policy. However, for the Policy to have maximum effect it must operate within a 'whole system' and it is therefore intrinsic to: -

- quality standards defined within tender and contract specifications: -
 - the Policy will be written into all existing and new contract specifications to ensure the relevant conditions can be called upon should this prove necessary. Procedures will be transparent for providers to see what control measures will be applied by commissioners should quality concerns escalate, allied to the 'Quality Thresholds';
 - providers will be required to complete a Self-Assessment Questionnaires (see page 36 of the attached Policy) as part of the tendering process and maintain this annually thereafter. This will

- provide additional information to inform risk profiling and consequently to target support as necessary;
 - increasingly commissioning / contracting done jointly by DCC, Torbay Council, NEW Devon CCG and South Devon and Torbay CCG. This Policy has been developed jointly with quality teams across all organisations and if adopted by Cabinet it will be taken forward through their governance arrangements with the aspiration of becoming a single shared Policy across all organisation (see section 4 below).
 - contract monitoring and quality assurance procedures: -
 - as above information resulting from contract monitoring and quality assurance procedures will inform risk profiling to target support as necessary.
 - health and social care operations: -
 - the Policy covers the entire spectrum of quality, from provision of additional freedoms and flexibilities for 'Accredited Providers' to providers with 'Major Concerns' and the boundary with whole service safeguarding. The Policy will provide local (to the geographic location of the service) operational managers, who will be the nominated 'Responsible Manager' with the safeguarding policy.
- 3.2 This policy will replace the current DCC 'Quality Threshold Policy' which is tied to CQC inspection outcomes. Whilst CQC inspection outcomes will continue to be a factor, importantly the new Policy will enable independent actions to be taken where it is desirable for commissioners to do so.

4. Partnership Development and Consultation

- 4.1 The Policy has been developed jointly by DCC, Torbay Council, NEW Devon CCG, South Devon and Torbay CCG and Torbay and South Devon NHS Foundation Trust and if adopted by Cabinet it will be taken forward through their governance arrangements.
- 4.2 Increasingly commissioning / contracting is being done jointly so having joint / consistent policies and procedures for supporting providers to embed within contract specifications is even more important than before.
- 4.3 Further consultation on the Policy is planned in the near future with Devon Partnership Trust and Livewell South West with an aspiration of it becoming a shared or aligned Policy across all organisations.
- 4.4 A number of groups have been consulted as the Policy has been developed: -
- Provider representatives have been consulted through the Provider Engagement Network;
 - Service user / carer representatives have been consulted through the Commissioning Involvement Group;
 - Healthwatch.

5. Equality Considerations

An equalities impact assessment has been completed with no negative impacts identified. The Quality Policy is a means of ensuring that providers meet all

their legal and contractual obligations (including equality considerations) and as described above, will enable proactive and timely support / intervention across a wider scope of providers than the Quality Threshold Policy it replaces. Therefore, the Quality Policy should have an overall positive impact on equality.

6. Legal Considerations

There are no specific legal considerations.

7. Risk Management Considerations

No risks have been identified.

8. Summary/Conclusions/Reasons for Recommendations

- 8.1 The Provider Quality Support Policy is the culmination of work over the last two years with proven results. The Policy will enable commissioners to move away from the current policy which is restricted to CQC inspection outcomes to a more proactive approach that makes timelier decision making possible.
- 8.2 The Policy will be aligned with changes to joint commissioning and contracting arrangements to maximise benefits and taken forward through governance arrangements in Torbay Council, NEW Devon CCG, South Devon and Torbay CCG and Torbay and South Devon NHS Foundation Trust in order to establish a 'whole system' approach.
- 8.3 It is recommended that Cabinet adopt the proposed 'Provider Quality Support Policy' to replace the current 'Quality Threshold Policy'.

Tim Golby
Head of Adult Commissioning and Health

Electoral Divisions: All

Cabinet Member for Adult Social Care and Health Services: Councillor Andrew Leadbetter

Chief Officer for Adult Care and Health: Jennie Stephens

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

Contact for Enquiries:
Steve Blandford
Quality Assurance and Improvement Manager
Tel No: 01392 383000
Room: Annexe First Floor Office

<u>BACKGROUND PAPER</u>	<u>DATE</u>	<u>FILE REFERENCE</u>
Provider Quality Support Policy	08/11/17	PQSP_Final