

Impact Assessment

Version 2017

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Assessment of:	Adult Social Care Provider Quality Support Policy
Service:	All adult social care provision

Head of Service:	Tim Golby, Head of Adult Commissioning and Health
Date of sign off by Head Of Service/version:	26/10/17
Assessment carried out by (incl. job title):	Steve Blandford, Quality Assurance and Improvement Manager

Section 1 - Background

Description:	<p>The Provider Quality Support Policy (Quality Policy) is Devon County Council's way of establishing a formal and coordinated response to quality concerns in relation to residential and nursing care homes, domiciliary care services and unregulated care services (e.g. day services, supported living services etc.) for adults.</p> <p>The Quality Policy establishes a formal means of responding to provider concerns where thresholds for whole service safeguarding adult Enquiry are not met, but where there is a clear need for service improvement to minimise the risks presented to service users by the quality of care being provided.</p> <p>The purpose of the Quality Policy is to: -</p> <ol style="list-style-type: none"> enable remedial actions to take place for the specific areas of concern identified, thus stabilising poor operational performance and subsequently improving and sustaining the standards of care delivered by a provider;
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	<ol style="list-style-type: none"> 2. coordinate activity across all agencies to enable effective communication, avoid any duplication and minimise involvement to ensure a proportionate response; 3. clearly describe to providers what the quality threshold levels are, the procedures for escalation and de-escalation between quality threshold levels and what this means for providers, making it clear how quality concerns will be followed up; 4. proactively avoid whole service safeguarding and escalation of provider quality concerns; 5. contribute towards improving the overall quality of the provider market. <p>A Provider Quality Support Review (Quality Review) is a process by which concerns are managed with respect to a number of adults considered to be at risk in one establishment / service, or where there are concerns about poor quality of care being delivered but for which the thresholds for whole service safeguarding are not met. A Quality Review is a supportive process aimed at enabling the provider to improve and sustain the quality of their services.</p> <p>The Quality Policy is therefore essentially a means of supporting providers to fulfil their legal and contractual obligations, escalating issues as necessary to ensure this is achieved.</p>
Reason for change/review:	<p>This new Quality Policy replaces DCC's Quality Threshold policy under which intervention by DCC's Quality Assurance and Improvement (QAII) team was limited to circumstances triggered by CQC inspection outcomes. The new Quality Policy enables the Quality Assurance and Improvement Team (QAII) to proactively use information from other sources as the basis for their support / intervention in services. The wider policy has been developed based on the QAII's experience over the last 2 years which demonstrated the value of Quality Reviews in ensuring providers meet national standards and local contractual obligations - and so enable maintenance of market sufficiency and quality.</p>

Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	This policy supplements existing guidance provided in the Devon and Torbay Safeguarding Adults Board Multi-Agency policy, and has been developed out of the QAIT's experience of supporting provider development for the last two years. The options considered were whether to maintain the previous arrangements which were fit for purpose, or to further develop them into a policy which clearly lays out the thresholds for Quality Reviews.
Social/equality impacts (summary):	The overall equality impact of this policy will be positive, as the increased clarity and consistency of the Quality Review process will make it easier to put the required 'control measures' in place to match the level of concern about a provider's performance.
Environmental impacts (summary):	N/A
Economic impacts (summary):	The overall impact will be positive as the policy will enable DCC to more accurately determine the level of support or challenge given to providers based on the Quality Threshold level of concern they meet.
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	There will be a positive impact for the partner agencies involved in adult social care provision alongside Devon County Council: Torbay Council, NEW Devon Clinical Commissioning group (CCG) and South Devon and Torbay CCG.
How will impacts and actions be monitored?	The Provider Quality Support Policy is itself a means of monitoring quality, and successful implementation of the policy will be evidenced by the outcomes of Quality Review meetings between providers and DCC in cases of Moderate and Major concerns, and in completed provider self-assessment forms.

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	This policy applies to everyone in receipt of adult social care support, whether commissioned or self-funded.
Diversity profile and needs assessment of affected people:	<p>Estimating the number of self-funders in receipt of adult social care support is difficult. In terms of residential and nursing care, estimates from national studies for the South West suggest that approximately 50% of people are self-funders, although local estimates suggest the figure in Devon is closer to 55%.</p> <p>There are no reliable sources available for community based care and support.</p> <p>As at 31/03/17 Devon County Council was funding services for c4,300 adults aged 18 to 64 and c6,600 adults aged 65 plus, a total of c10,900. Of those people 93.4% are White British compared to 94.9% of the Devon population as a whole who are White British.</p>
Other stakeholders (agencies etc.):	<p>Social care providers 2 CCGs as joint contract holders Torbay Council as a partner Devon Safeguarding Adults Board Care Quality Commission as the regulator Police for specific safeguarding concerns Healthwatch as the consumer voice Other NHS Commissioners and providers with responsibilities for quality of care</p>
Consultation process and results:	<p>The policy was jointly developed with Torbay Council and Devon's two NHS Clinical Commissioning Groups to ensure it was aligned with individual agency processes and policies.</p> <p>Providers of adult social care services were consulted on the policy via the Provider Engagement Network, to ensure it was a practical and proportionate way of addressing concerns about standards of provision.</p> <p>The Commissioning Involvement group was used as a means of consulting service users, this group contains a</p>

	range of people who use social care services with an understanding of commissioning processes.
Research and information used:	<p>Two national publications informed the development of this policy:– ‘Early Indicators of Concern in Residential and Nursing Homes for Older People - A Guide’ and ‘Early Indicators of Concern in Residential Support Services for People with Learning Disabilities – A Guide: Marsland, D., Oakes, P., White, C. (2012)</p> <p>The London Borough of Hackney Establishment of Concerns Protocol was also used as a source of good practice:</p> <p>http://www.hackney.gov.uk/Assets/Documents/establishment-concerns-protocol.doc (link reviewed 21st December 2016)</p>

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to ‘private and family life’).
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage? Are there any lawful, reasonable and proportionate, unavoidable negative consequences?	In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, ‘close gaps’). In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?
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All residents (include generic equality provisions):	The policy applies to all people receiving adult social care in Devon, rather than all residents. It is DCC's way of ensuring that providers meet fundamental standards of care as set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. Because our previous policy was inspection outcome based and new policy uses wider intelligence sources, implementation of the new policy should have an overall positive impact in terms of equality.	
Age:	This policy applies to all adults receiving social care support. The youngest people affected by this policy will be aged 18, having transitioned into adult services. The policy included work with children's services to develop a whole service safeguarding procedure for providers covering both adults and children's services so there will be a positive impact in terms of age.	
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	People receiving social care support will have the full range of disabilities and the Provider Quality Support policy has a key role to play in maintaining the quality of provision for all social care services. It will therefore have a positive impact.	
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	DCC contracts and CQC provider regulations require providers to be sensitive to issues arising from culture and ethnicity, and this policy strengthens the way in which DCC is able to work with providers on such issues. It should therefore	

	have a positive impact.	
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	Sex, gender and gender identity could be the basis of concerns about provider performance and this improved approach to the Quality Review process should make it easier to work with providers, so resulting in a positive impact in such cases.	
Sexual orientation and marriage/civil partnership:	If an issue of provider performance includes discrimination on the basis of sexual orientation then this improved Quality Review process should help resolution and thus have a positive impact.	
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	Having an improved Quality Review process should address all issues of provider performance, including those arising from these other factors.	
Human rights considerations:		

Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	DCC’s engagement with adult social care providers is based on the promotion of independence and the Quality Review process is a way of reinforcing this.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	The Quality Review process has been developed in close liaison with the Devon Safeguarding Adults Board and has been designed to ensure safeguarding issues can be appropriately escalated or de-escalated.
In what way can you help people to be connected, and involved in community activities?	Providers are expected to support community involvement whenever relevant as part of the promotion of independence.

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council’s Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.

	Describe any actual or potential negative consequences.	Describe any actual or potential neutral or positive outcomes.
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	(Consider how to mitigate against these).	(Consider how to improve as far as possible).
Reduce waste, and send less waste to landfill:	N/A	
Conserve and enhance biodiversity (the variety of living species):	N/A	
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	N/A	
Conserve and enhance the quality and character of our built environment and public spaces:	N/A	
Conserve and enhance Devon's cultural and historic heritage:	N/A	
Minimise greenhouse gas emissions:	N/A	
Minimise pollution (including air, land, water, light and noise):	N/A	

Contribute to reducing water consumption:	N/A	
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	N/A	
Other (please state below):		

Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	The improvement in the way in which DCC works with providers should have a positive impact on knowledge and skills, as learning from Quality Reviews.	
Impact on employment levels:	The policy is a way of helping maintain market sufficiency so should have a positive or neutral	

	impact on employment levels.	
Impact on local business:	Improving the way in which providers are engaged includes engagement with many local businesses so should have a positive impact on them.	

Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	Implementation of the Provider Support Quality Policy should have an overall positive impact as the way in which Quality Reviews are carried out becomes clearer and more systematic for all parties.
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Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	This is a policy which focuses on maintaining the quality and sufficiency of adult social care provision and any improvement resulting from this policy will be of general benefit to the local economy and well-being of the population, so adding social value in its widest sense.
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