

# Assurance of local authority delivery of its duties defined by part one of the care act (2014) by the Care Quality Commission and its contribution to improving services and outcomes for people in receipt of adult social care including through self-assessment.

## Report from the Director of Integrated Adult Social Care at DCC

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Please note that the following recommendations are subject to consideration and determination by the Cabinet before taking effect.

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### 1) Recommendation

That the Cabinet:

- 1.1 Recognise the requirements placed on Integrated Adult Social Care (ASC) through the Care Quality Commission (CQC) assurance framework, and support the service in its preparedness.
- 1.2 That Members of the Cabinet be supported in their roles regarding assurance of local authority delivery of its duties defined by part one of the Care Act (2014) by:
  - Being offered further Masterclasses on this and related topics.
  - Being briefed on key developments via the newsletter of the Cabinet Member for Integrated Adult Social Care and Health.
  - Having access to a [website](#) containing materials relevant to CQC assurance, a guide to adult social care in Devon, and our self-assessment.
  - Being offered group or individual briefing sessions ahead of any inspection visit by the CQC such as those facilitated by the Local Government Association (LGA) in January 2024.

### 2) Introduction

- 2.1 The purpose of this paper is to present to Cabinet a summary of the update shared at the Masterclass of 27<sup>th</sup> February 2024 on assessment by the Care Quality Commission of local authority delivery of its duties defined by part one of the Care Act (2014).
- 2.2 In particular, to highlight the roles of Members of the Council in this process and to recommend how all Members, remain briefed and appropriately involved.

2.3 To highlight the availability of an online [‘Guide to Adult Social Care in Devon’](#) and a [‘Self-Assessment of Adult Social Care in Devon’](#) that will be reviewed quarterly and updated annually as a replacement of the annual report that we have published since 2010 in response to the government’s requirement for a ‘local account’ as part of the sector-led improvement approach that preceded the introduction of formal CQC assessment in April 2023.

### 3) Main body of report

#### Background to CQC assurance

3.1 In December 2021, the Government launched its White Paper [‘People at the Heart of Care’](#), its 10-year vision for Adult Social Care.

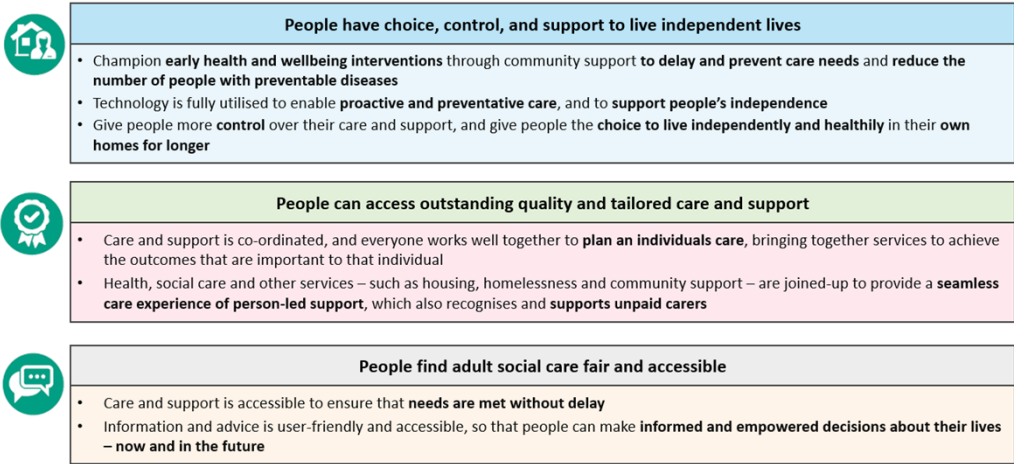


Figure 3.1: Government 10 year vision for ASC (Source: DHSC)

3.2 In laying out that vision, the Government reflected on the approach to Sector Led Improvement it had pursued with the adult social care sector since 2010 and announced it would introduce formal assessment of local authorities’ delivery of their adult social care duties by the CQC.

“ As social care affects a greater number of people at some point during their lives, accountability for services becomes increasingly important for both national and local government.

It is therefore only reasonable for government to want to ensure the ASC system is delivering the right kind of care, and the best outcomes, with the resources available. We also want to be able to readily identify best practice across the system, building on existing sector-led support and improvement programmes.

To achieve this, we want to work with local authorities and the sector to enhance existing assurance frameworks that will support our drive to improve the outcomes and experience of people and their families in accessing high quality care and support, regardless of where they live.

To support these goals, **we propose to introduce through the Health and Care Bill, a new duty for the Care Quality Commission to assess local authorities’ delivery of their adult social care duties.** ”

Figure 3.2: CQC duty to assess local authorities (Source: DHSC)

3.3 The [Care Act \(2014\)](#) duties of local authorities include:

- Market shaping: quality, choice, diversity, affordability, sufficiency; provider failure contingencies
- Provision of social care: assessment, support planning, financial assessment, arranging support, review
- Provision of preventative services and information/advice: reducing, preventing, delaying the need for care and support
- Promotion of individual wellbeing
- Promotion of integration between health and social care services: including integrated commissioning
- Safeguarding: safeguarding of adults at risk and system governance

Other statutory duties of local authorities related to adult social care include:

- Mental Capacity Act (2005): Deprivation of Liberties Standards / Liberty Protection Safeguards
- Mental Health Act (1983): Assessment and treatment of people with a mental health disorder
- Health and Care Act (2022): Integration with NHS through Integrated Care Systems

In Devon, some duties are delivered by partners (Devon Carers, Devon Partnership Trust) and others by other parts of the Council. Whatever arrangements are in place for delivery, the Council remains accountable

### 3.4 The CQC is implementing a new [Single Assessment Framework](#) across all of its regulation activity.

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

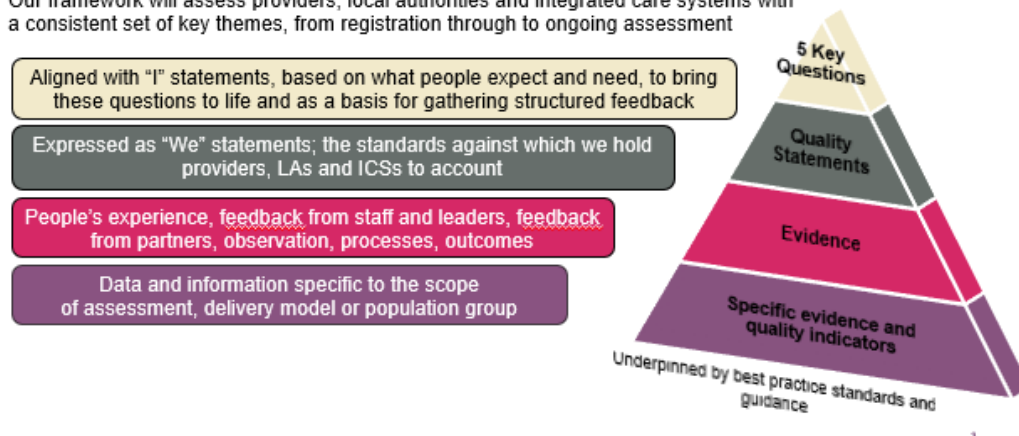


Figure 3.4: CQC Single Assessment Framework (Source: CQC)

### 3.5 The framework as adapted to [the assessment of local authorities](#) comprises four domains with nine quality statements each accompanied by 'I' and 'we' statements. CQC assessment provides a rating for each of these domains and an overall rating: 'Outstanding', 'Good', 'Requires Improvement' or 'Inadequate'. Evidence considered includes: people's experience; feedback from people, partners, providers, leaders and staff; processes and documents; and outcomes and performance data. The data is mainly drawn from statutory annual returns and surveys. Case tracking is also undertaken.

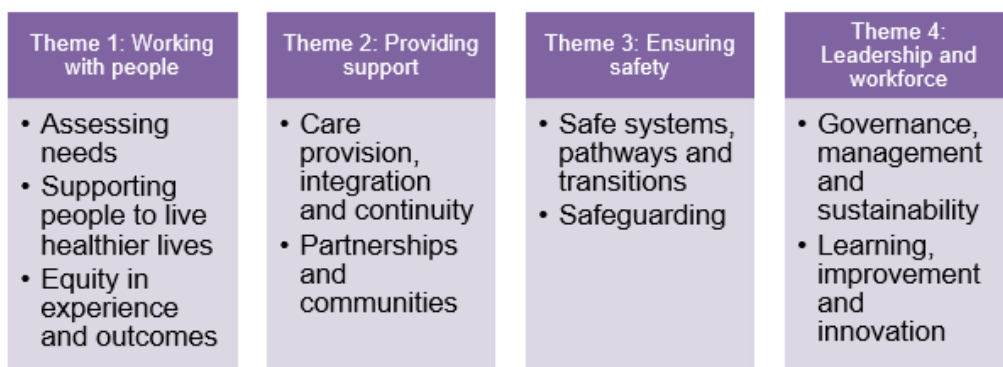


Figure 3.5: CQC domains of local authority assessment (Source: CQC)

3.6 When the [Health and Care Act \(2022\)](#) received Royal Assent in April 2022, primary legislation directed the Care Quality Commission to assure the local authority delivery of its statutory adult social care duties and to assess the effectiveness and impact of [Integrated Care Systems](#) from April 2023. CQC has now published guidance detailing its approach to assessment, has piloted that approach in five local authorities.

3.7 During a 2-year baselining period, CQC anticipate notifying all local authorities with adult social services responsibilities, and has now begun to do so, requiring them to make an information return, facilitate a case tracking exercise, and assist in the arrangement of an inspection visit. The government has outlined its intentions regarding an [approach to support and intervention](#) for those local authorities judged to be less than 'Good'.

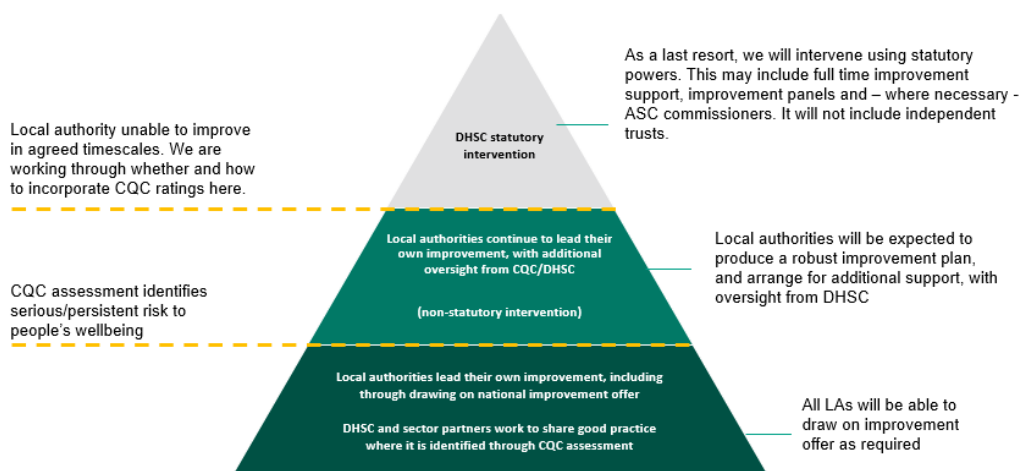


Figure 3.7: Government intervention framework (Source: DHSC)

3.8 Devon County Council has been preparing for assurance reform since legislation was published in Spring 2022 and has arrangements in place to respond to a notification at any time including:

- Submitting a Self-Assessment
- Completing the Information Return
- Undertaking case tracking work
- Facilitating the onsite inspection
- Responding to the outcome.

### The role of Members of the Council in CQC assurance.

3.9 The following table outlines the role of Members of the Council in CQC assurance. Which Members are interviewed will depend on an initial assessment by CQC and the resulting key

lines of enquiry but are likely to include the Leader, Lead Member and Chair of the Committee with overview and scrutiny of adult social care.

Ref	Expectation	Implications
1	CQC assurance is of whether the council fulfils its statutory duties as defined in Part One of the Care Act (2014).	Members of the council should be acquainted with the main provisions of the Care Act (2014).
2	CQC will seek feedback from members of the council, in particular the Leader of the council, the Cabinet portfolio holder for adult social care, and members of the Scrutiny Committee that oversees adult social care.	Members of the council who might be interviewed should understand the key aspects of the CQC Assurance Framework.
3	CQC may seek feedback from officers and members in leadership roles responsible for wider council responsibilities e.g., relating to financial sustainability, wellbeing, prevention.	All officers and members in leadership roles should have a high-level understanding of the CQC Assurance Framework and Care Act (2014) Part One.
4	The Health and Wellbeing Board is focussed on population health and wellbeing including measures to prevent, delay and reduce the need for adult social care.	All those on the Health and Wellbeing Board (including members) should have a high-level understanding of the CQC Assurance Framework and Care Act (2014) Part One.
5	The Safeguarding Adults Board is focussed on promoting safeguarding awareness, ensuring safeguarding response, and addressing the underlying causes of safeguarding concerns.	All those on the Safeguarding Adults Board (including members) should have a high-level understanding of the CQC Assurance Framework and Care Act (2014) Part One including the specific safeguarding duties of the Local Authority.
6	Cabinet and Scrutiny have a role in the effective governance of performance and risk management arrangements in adult social care including of quality, sufficiency, and sustainability.	Members to consider whether current reporting arrangements, including the online availability of a 'Guide to Adult Social Care' and 'Self-Assessment', are adequate to enable them to fulfil these expectations.
7	This role includes ensuring that insights from this evidence inform strategy and policy at partnership, corporate, and service levels.	Members to consider whether current approaches to strategy and policy development, including the Strategic Plan, are adequately mindful of Care Act duties and this evidence base.
8	And also that corporate and service level risks including those relating to changes in political and officer leadership, financial sustainability, and organisational change are assessed for their impact on Care Act Duties and mitigated.	Members to consider whether current risk management arrangements are adequately mindful of Care Act duties.

Ref	Expectation	Implications
9	Members listen to the voices of people with lived experience of adult social care services (including service users and unpaid carers) and take feedback into account in their oversight and decision making.	Members to consider whether they are sufficiently sighted on the range of feedback available including through complaints, from Healthwatch, and via our engagement groups
10	The council invites external challenge to challenge its own performance and learn from best practice elsewhere.	Members to consider whether they and officers have been sufficiently involved in peer review and other sector-led improvement activity.

### CQC assurance website

3.10 In July 2023, Devon County Council commissioned a peer review of adult social care facilitated by the LGA, establishing a [website](#) to contain all key materials relevant to the process, available to all key stakeholders including the peers involved as well as Members of the Council, colleagues across the Council, partners and provider, people who use services and their carers, and the general public.

3.11 In their [report](#), the peer team commented that “The Council developed an excellent online Position Statement which helped to guide the Challenge Team in their thinking, along with a comprehensive set of supporting materials. These were delivered in a timely way, and connected through the Position Statement with clickable links, which provides a helpful means of aligning evidence to key statements or sections.”

3.12 In preparing for CQC assurance, we have elected to take a similar approach to ensure transparency and visibility, maintaining an online resource of all materials relating to the process in the form of a [CQC Inspection website](#) as a reference for both CQC inspectors and all other stakeholders, that will be populated before and maintained during the assessment process, with the following sections:

- [CQC inspection](#) (including links to CQC guidance)
- [CQC Inspection Team](#)
- [Our Guide to Adult Social Care in Devon](#) (to be reviewed quarterly, with a major update annually)
- [Our Self-Assessment of Adult Social Care in Devon](#) (to be reviewed quarterly, with a major update annually)
- [Timetable](#) (to be populated following notification)
- [Communications](#) (to be populated following notification)
- [Outcomes and Reports](#) (to be populated following notification)
- [Accessibility and Acknowledgements](#)

3.13 CQC advise, but do not require, a Self-assessment and neither do they specify a set format, although they do indicate that its absence may suggest to them a lack of self-awareness within the local authority and question whether a learning and improvement cycle is in place, and could result in a longer onsite inspection period with additional interviews. They suggest a Self-Assessment is an opportunity for local authorities to:

- Assess and judge performance in relation to the quality statements
- Use evidence to support judgements
- Highlight key successes, risks and challenges

- Identify actions needed to address the most pressing risks.

3.14 In their evaluation report that followed the five pilot inspections, CQC comment that the local authorities involved found the self-assessment part of the process a useful exercise, with most considering it an essential part of the process that they have or would embed in their annual cycle. Although offering no detailed guidance or template, CQC also commented on the variety of approaches taken and length of submissions. Consequently, we have restructured our position statement from the LGA peer review, creating a 'Guide to Adult Social Care in Devon containing the information-giving aspects and a 'Self-Assessment of Adult Social Care in Devon' containing the evaluative aspects, focussed on the key questions:

- 'What are you proud of?'
- 'What risks and challenges are you concerned about?'
- 'What are you doing to improve?'

### **Our 'Guide to Adult Social Care in Devon'**

3.15 The current version of the '[Guide to Adult Social Care in Devon](#)' includes the following sections, aligned to areas the CQC framework and published reports suggest they are most interested in:

- [Introduction: Tandra Forster, Director of Integrated Adult Social Care](#)
- [Introduction: Councillor James McInnes, Cabinet Member for Integrated Adult Social Care and Health](#)
- [Introduction: Sara Randall Johnson, Chair of Health and Adult Care Scrutiny Committee](#)
- [Context: our place and its population](#)
- [Context: the pandemic, cost-of-living crisis, and recovery](#)
- [Context: our services and who they serve](#)
- [Context: our adult social care providers and workforce](#)
- [Context: our activity, cost and spend](#)
- [Context: the outcomes that people achieve](#)
- [Context: the national situation](#)
- [How we work: our vision and strategies to promote independence](#)
- [How we work: our annual service plan](#)
- [How we work: our council](#)
- [How we work: our partners](#)
- [How we work: our approach to prevention](#)
- [How we work: our support to unpaid carers](#)
- [How we work: our operational services](#)
- [How we work: our approach to safeguarding](#)
- [How we work: our approach to commissioning](#)
- [How we work: in partnership with our market of social care providers](#)
- [How we work: developing the social care workforce](#)
- [How we work: listening to those we work for](#)
- [How we work: listening to those we work with](#)
- [How we work: improving equality of access, experience and outcome](#)
- [How we work: managing change](#)
- [How we work: ensuring financial sustainability](#)
- [How we work: our approach to assurance and improvement](#)
- [How we work: our approach to risk management](#)

3.16 As in our Annual Report in previous years, we have included a summary of the Health and Adult Care Scrutiny Committee in some [introductory words from the Chair](#) Councillor Sara Randall Johnson.

### **Our 'Self-Assessment of Adult Social Care in Devon'**

3.17 The current version of the '[Self-Assessment of Adult Social Care in Devon](#)' includes the following sections, aligned to the CQC framework, its domains and quality statements:

- [Introduction: leadership](#)
- [Evidence base: leadership](#)
- [Self-Assessment: leadership - governance, management, and sustainability](#)
- [Self-Assessment: leadership - learning, improvement, and innovation](#)
- [Introduction: working with people](#)
- [Evidence base: working with people](#)
- [Self-Assessment: working with people - assessing and reviewing needs](#)
- [Self-Assessment: working with people - supporting people to live healthier lives](#)
- [Self-Assessment: working with people - equity in experience and outcomes](#)
- [Introduction: providing support](#)
- [Evidence base: providing support](#)
- [Self-Assessment: providing support - care provision, integration, and continuity](#)
- [Self-Assessment: providing support - partnerships and communities](#)
- [Introduction: ensuring safety](#)
- [Evidence base: ensuring safety](#)
- [Self-Assessment: ensuring safety - safe systems, pathways, and transitions](#)
- [Self-Assessment: ensuring safety - safeguarding](#)
- [Summary: what we are proud of and concerned about](#)

3.18 In the [summary](#), we highlight six things to be proud of:

- In 2022-23 Devon had 16/26 indicators from the Adult Social Care Outcomes Framework ranked in the top two quartiles, up from 13/26 in 2020-21, with improvements on most measures over the last two years.
- Our overall satisfaction ratings for service users and their quality-of-life indicator based on survey questions about their lived experience were among the best in the country, ranking 11/152 and 27/152 respectively.



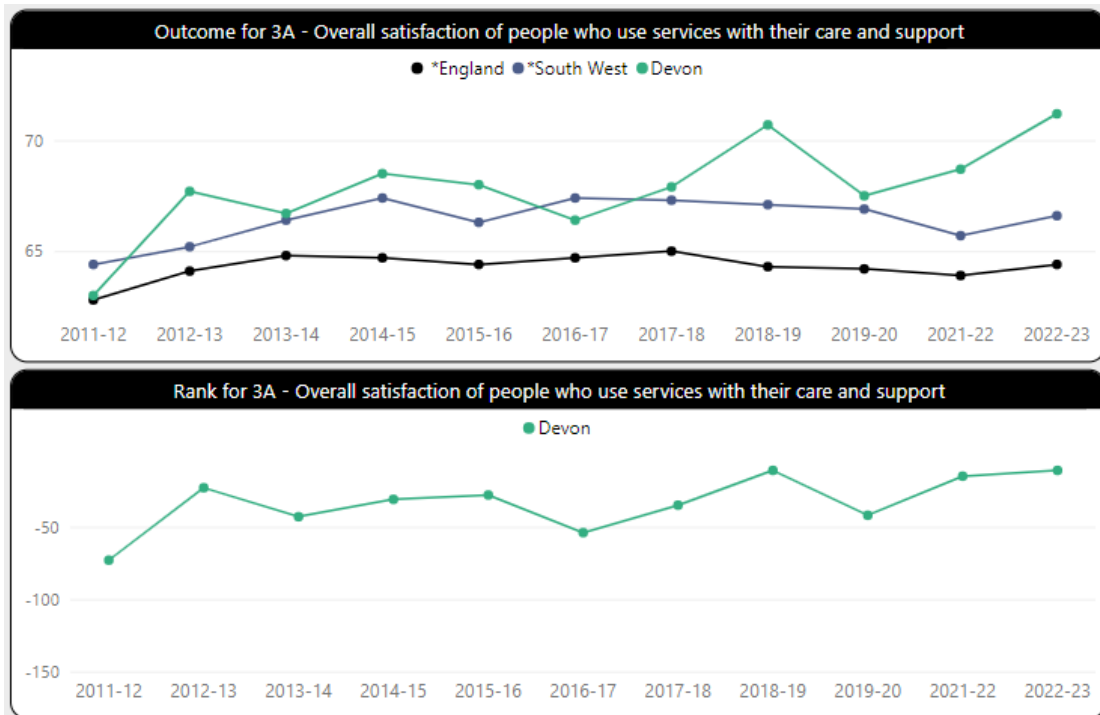


Figure 3.18.1: Overall satisfaction of people who use services (Source: ASCOF)

- Our provider quality ratings in Devon judged by the Care Quality Commission exceed the national, regional and comparator authority averages with 76% of community-based services and 86% of care homes in Devon rated Good or Outstanding by the Care Quality Commission.

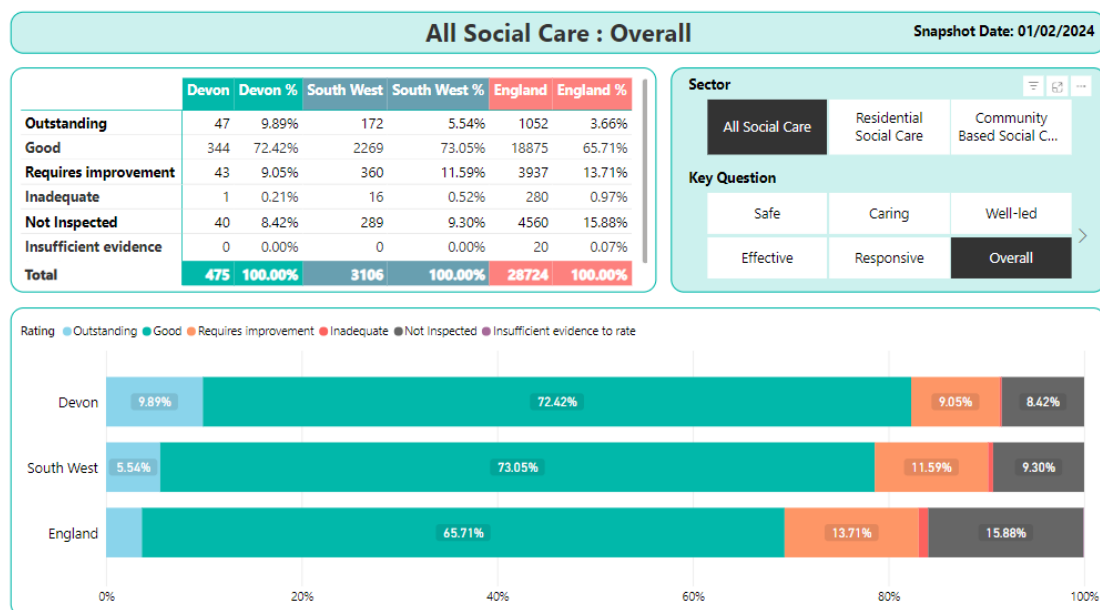


Figure 3.18.2: CQC ratings of providers in Devon (Source: CQC)

- Our vaccination rates, with 96% of care home residents and 94% of care home staff in Devon receiving two or more doses of a vaccine against Covid-19; the fatality rate in care homes in Devon relative to population from Covid-19 was 27/152, among the lowest in the country.
- Our staff and providers have been nominated for and won many national and regional awards in the last two years, including gold and silver awards in the National Social Worker of the Year, building on our strong showing in recent years.

- Improvements in the sufficiency of the regulated personal care where two years ago we were unable to source up to 6,000 hours each week, now reduced to around 300, with contingencies in place to keep people safe.

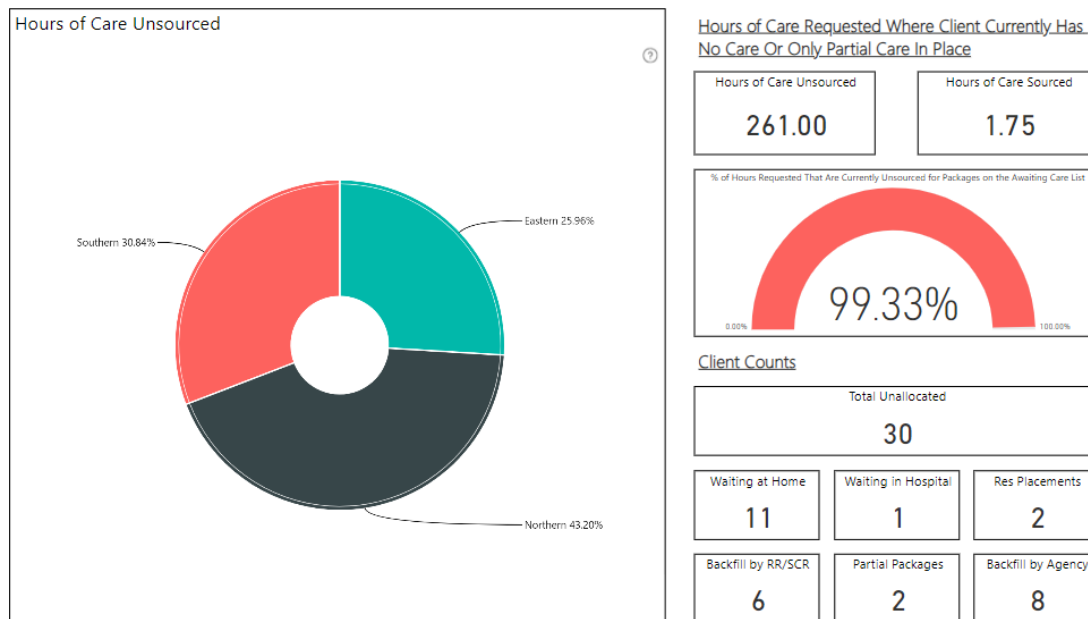


Figure 3.18.3: Unallocated Personal Care in Devon 2/24 (Source: Internal)

3.19 In the [summary](#), we highlight seven areas of concern:

- Financial sustainability, with the cost-of-living crisis impacting on people who use our services and their carers, people who might become vulnerable, the viability of our providers, and county council budgets.
- Maintaining our generally high staff morale, with our recent leadership surveys indicating colleagues are becoming concerned about the pace of change and the potential for demands to be increasing as capacity decreases.

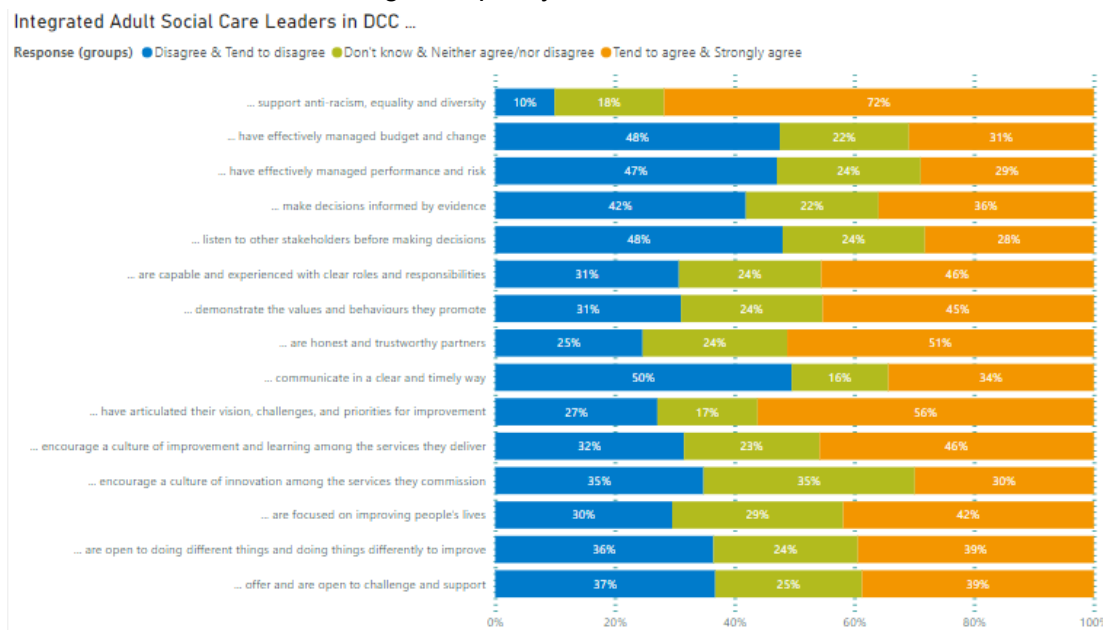


Figure 3.19.1: Leadership survey 12/23 (Source: Internal)

- Hospital discharge and system flow, with delays sometimes due to lack of capacity in community-based health and care services, which can mean people don't get the right care at the right place at the right time to optimise their recovery.

- Operational waiting lists for assessments and reviews, with our own capacity constrained, demand increasing, and people's circumstances changing more frequently.

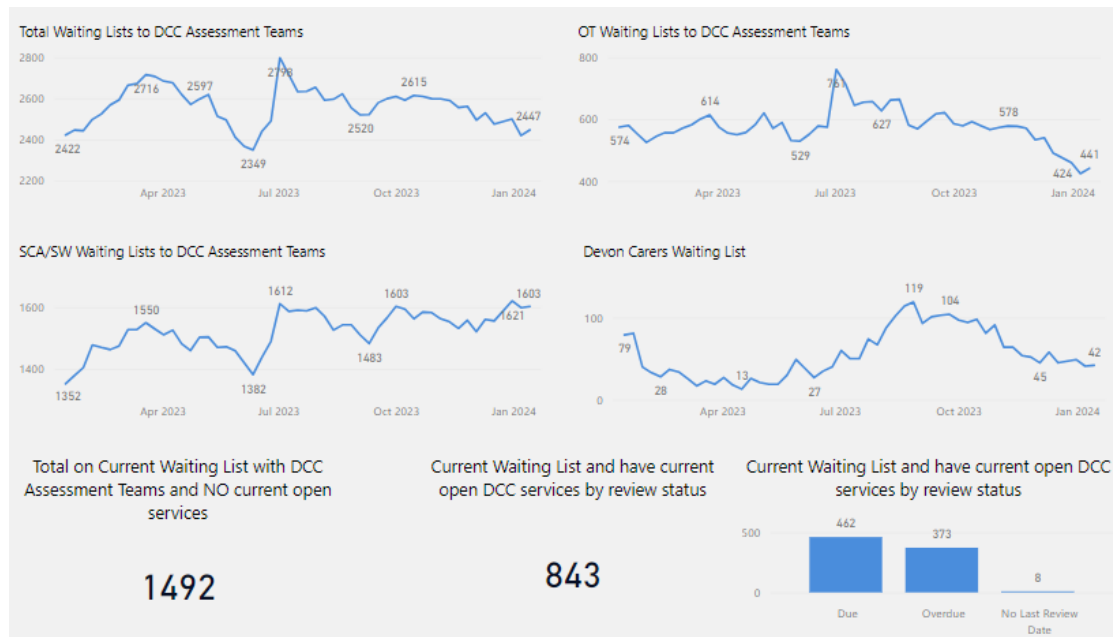


Figure 3.19.2: Waiting lists 2/24 (Source: Internal)

- Replacement care and short breaks for unpaid carers, with their social isolation and its impact on their wellbeing highlighted in recent surveys as being of particular concern, especially in rural areas.

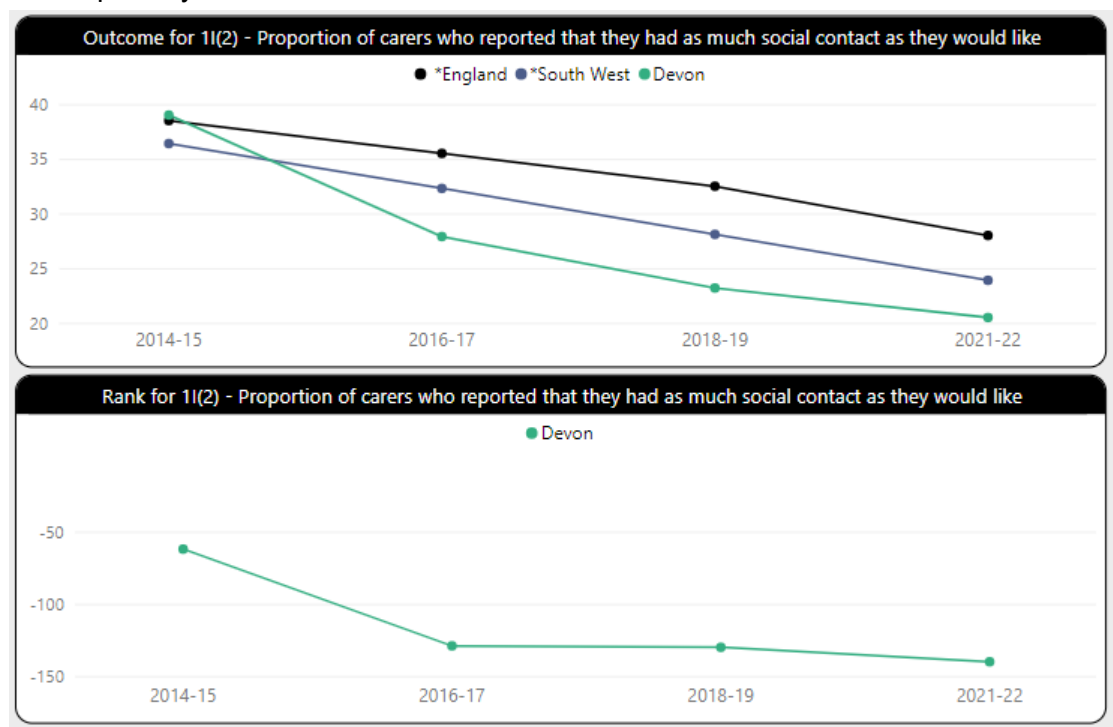


Figure 3.19.3: Social isolation of unpaid carers (Source: ASCOF)

- Demand pressures from those aged 18-64, with activity levels higher in Devon than elsewhere, and market costs rising more rapidly than is typical, especially for services to older people, both residential and community based.
- Consistency of safeguarding practice, ensuring that decision-making and thresholds are comparable across localities, and that learning from Safeguarding Adults Reviews and

other Serious Incidents is embedded in learning and development and impacts on practice.

3.20 In the [summary](#), we highlight six challenges ahead:

- Delivering on our 'Promoting Independence' vision and 'Living Well', 'Ageing Well', and 'Caring Well' strategies including maintaining people at home and not in hospital or a care home wherever possible.



Figure 3.20.1: Our vision and strategies (Source: Internal)

- Living up to the vision that people should be supported to live their best possible life in the place they call home, with the people and things they love, in communities where people look out for each other, doing what matters to them and be independent, informed, secure, and connected.
- Managing within a budget that while increasing is under pressure from rising demand, increasing costs, insufficient supply, cost of living pressures, and falling council income.

	2023/24		Other Growth and Pressures	Savings Plans and additional income	2024/25 Target Budget	Net Change	
	Adjusted Base Budget	Inflation and National Living Wage				£'000	£'000
Integrated Adult Social Care	340,245	29,887	20,025	(29,411)	360,746	20,501	6.0%
Children and Young People's Futures	206,278	9,795	20,862	(9,150)	227,785	21,507	10.4%
Public Health, Communities and Prosperity	21,678	533	289	(1,577)	20,923	(755)	-3.5%
Corporate Services	49,755	2,160	1,361	(4,831)	48,445	(1,310)	-2.6%
Climate Change, Environment and Transport	81,619	6,144	2,348	(4,629)	85,482	3,863	4.7%
<b>Total Service Budgets</b>	<b>699,575</b>	<b>48,519</b>	<b>44,886</b>	<b>(49,598)</b>	<b>743,382</b>	<b>43,807</b>	<b>6.3%</b>

Figure 3.20.2: Devon County Council budget 2024-5 (Source: Internal)

- Maintaining flow through the health and care system, especially during winter when we are facing outbreaks of infectious diseases, and pent-up demand for NHS services.
- Recruiting, retaining, and developing sufficient staff to deliver on our statutory duties and maintain sufficient, diverse, and high-quality services including working with providers to develop their capacity and innovate new services.

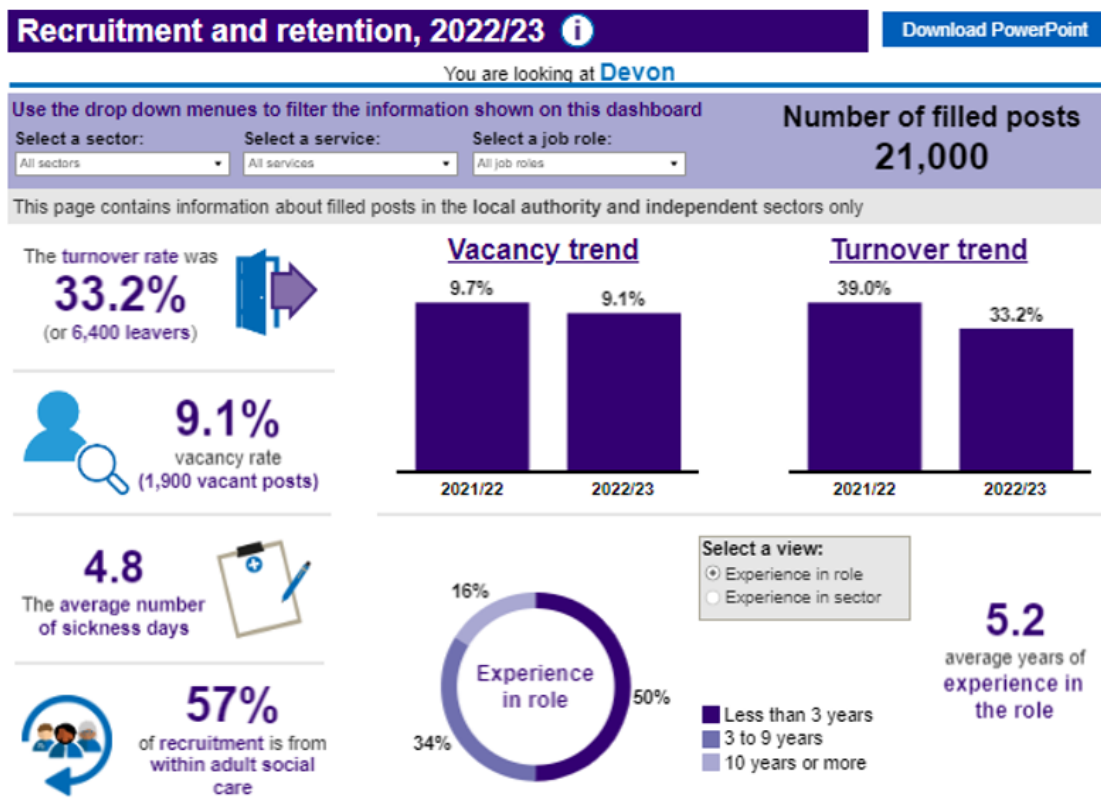


Figure 3.20.3: Workforce turnover, vacancy and absence (Source: SfC)

- Strengthening our governance in line with a corporate review, and building on the changes we have made to the governance of assurance and change in adult social care, continuing to reinvigorate practice quality assurance.

#### 4) Options / Alternatives

Each year IASC produces a 'Local Account', an annual report setting out our performance on the previous 12 months. This year, and as a result of the new CQC inspection of ASC, locally we have combined these two documents and delivered our Local Account in the online self-assessment format compliant with accessibility standards. An alternative option would be to produce two separate documents with significantly overlapping content.

#### 5) Consultations / Representations / Technical Data

N/A

#### 6) Strategic Plan

N/A

#### 7) Financial Considerations

N/A

#### 8) Legal Considerations

N/A

## **9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

N/A

## **10) Equality Considerations**

The CQC will explore inequalities of access, experience and outcome across protected characteristics. This report, and our wider preparation for inspections, ensure we are focussed on this and work towards eliminating any inequalities

## **11) Risk Management Considerations**

N/A

## **12) Summary**

That Cabinet:

12.1 Recognise the requirements placed on Integrated Adult Social Care (ASC) through the Care Quality Commission (CQC) assurance framework, and support the service in its preparedness.

12.2 That Members of the Cabinet be supported in their roles regarding assurance of local authority delivery of its duties defined by part one of the Care Act (2014) by:

- Being offered further Masterclasses on this and related topics.
- Being briefed on key developments via the newsletter of the Cabinet Member for Integrated Adult Social Care and Health.
- Having access to a [website](#) containing materials relevant to CQC assurance, a guide to adult social care in Devon, and our self-assessment.
- Being offered group or individual briefing sessions ahead of any inspection visit by the CQC such as those facilitated by the Local Government Association (LGA) in January 2024.

### **Name**

Tandra Forster, Director of Integrated Adult Social Care, Devon County Council

### **Electoral Divisions: All**

Cabinet Member for Integrated Adult Social Care and Health: Councillor James McInnes

## **Local Government Act 1972: List of background papers**

Background Paper Nil

### **Contact for enquiries:**

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