



## **ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**

**Monday 6 March 2023**

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| <b>REPORT TITLE:</b> | <b>WIRRAL ADULT SOCIAL CARE QUALITY AND SUSPENSION POLICY</b> |
| <b>REPORT OF:</b>    | <b>DIRECTOR OF CARE AND HEALTH</b>                            |

### **REPORT SUMMARY**

Following the Adult Social Care and Public Health Committee on 29 November 2022, a draft Quality and Suspension Policy has been prepared for Commissioning, Contracts and Quality Monitoring of Providers for agreement by Committee.

The Policy identifies how Wirral Council will ensure its compliance with its duty under the Care Act 2014 to commission care services of a good quality. In that, those services which do not have a good quality rating from either the Care Quality Commission (CQC) or from the Councils Independent Quality Assessment - Provider Assessment and Market Management Solutions (PAMMS), will be suspended and have restrictions on new referrals for placements from Wirral Council, until such time that they have a good quality rating or show an improving direction towards a good rating.

As there are often capacity issues in the market, especially in the right place to meet carer needs, Providers that Require Improvement (RI) Care Quality Commission (CQC) rated services may need to be commissioned to allow for people to receive the type of care that they require. However, this will be ordered on a case-by-case basis, and with close contractual and social care monitoring of the new placement.

In addition, the Policy identifies that Wirral Council will publish the details of any provider that is suspended to new placements. This is seen as an important factor in providing quality information to people and their families before making a decision regarding placing their relative in a home.

The Report supports the Wirral Plan themes:

Safe and Pleasant Communities – Working for safe and pleasant communities where our residents feel safe and are proud to live and raise their families.

Active and Healthy Lives - Working to provide happy, active and healthy lives for all, with the right care, at the right time to enable residents to live longer and healthier lives.”

This report is a key decision as it affects all wards.

## **RECOMMENDATION/S**

The Adult Social Care and Public Health Committee is recommended to agree the principles set out in the Draft Quality and Suspension Policy (Appendix 1) covering Commissioning, Contracting and Quality Monitoring of Providers, and to support the suspension of those Providers/Services without a good quality rating, and give delegated authority to the Director of Care and Health to agree the final version of the Policy.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Quality improvement is fundamental to providing good care to people that meets the mum test. Wirral continues to be challenged with a large number of homes rated as Requires Improvement. This needs to improve therefore improvement within the care home market remains a priority for Wirral Council. Poor-quality services are not acceptable to the people of Wirral and as the commissioning authority, Wirral Council is in a position where actions must be taken to drive improvement and to inform the public of actions being taken.
- 1.2 The policy has been developed in order to give clarity and transparency regarding the expectations of quality standards within Provision across Wirral it should support a more equitable approach where good quality standards are recognised, and additionally set out the consequences clearly where providers have not met the regulatory or quality standard set out in the policy.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Not to have revised the Policy would have meant a lack of transparency from the Council to inform the people of Wirral of the quality standards of Providers they commission.
- 2.2 Not to have revised the Policy on steps to support the improvement of quality within the providers the Council commissions, would not drive-up quality standards across the care market.

### **3.0 BACKGROUND INFORMATION**

- 3.1 On 29 November 2022, Adult Social Care and Public Health Committee was presented with an update in relation to the “current position of Wirral Council in terms of Care Quality Commission assessment status of care home and comparable benchmarking as of July 2022”.
- 3.2 At the request of the Adult Social Care and Public Health Committee, Council officers committed to produce a clear and transparent policy and procedure relating to the expectations of quality standards for the Providers, and subsequently the implications for services that continue to provide a service that is not of a good standard
- 3.3 By ensuring robust equitable processes is in place; sanctions can be brought against Providers who deliver poor quality care that will withstand legal challenge and allow commissioners to shape the Wirral care market. The Policy identifies that Wirral Council’s commitment is to commission a good standard of care.
- 3.4 Suspension is a restriction on any new placement for the provider of the service effected. This will allow the provider to focus on improving the quality of its service and the experiences of Wirral’s residents for whom they currently have a contractual obligation to provide care to. The provider will be supported to identify what is

needed to improve, and every effort afforded to them to support their improvement journey.

- 3.5 Care Quality Commission (CQC) ratings will be published on the Council website and will also indicate where services are suspended for new placement from the Council in accordance with the Policy.
- 3.6 Only where improvement has been made and a quality rating from either CQC or PAMMS of Good has been achieved, will the restrictions be lifted. The Council will do all it can to support providers to meet the required standards and has a supportive quality improvement offer to support providers. Providers will need to show improvement to progress and where they don't the Council will not be able to lift any suspension due to its commitment to quality, which could have ongoing consequences for the Provider.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 The Council Commissions residential and nursing home care for around 1800 residents of the Borough requiring 24 hour care and support. The annual cost of this care is equal to almost half of all social care expenditure. The Council had a Duty to get the Best Value and Quality that it can for the resources available to purchase care and support across the Borough.
- 4.2 There are no additional financial implications as a result of this report.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 The legal implications are in accordance with the Care Act 2014, which places a duty on the Local Authority to promote diversity and quality in provision of services, including the efficient and effective operation of a market in services for meeting care and support needs. The Local Authority must have regard to market sustainability, fostering continuous improvement in the quality of such services and the efficiency and effectiveness with which such services are provided; also, to encourage innovation in service provision.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 There are no resource implications for Wirral Council related to this report.

#### **7.0 RELEVANT RISKS**

- 7.1 There is a potential risk to restricted admittable bed capacity which could have a negative impact on community provision. The available Council data indicates that at the suspension of new placements with Providers in line with this Policy would not affect the rate of discharges of people from hospital. However, the Council will take in to account any restrictions on community service provisions at times of high demand, to support flow and risk assess accordingly and keep capacity under review.
- 7.2 There is a potential risk that publishing the names of Providers that the Council have suspended new placements with may result in Providers legally challenging the

Council. The Council will share this information alongside already publicly available information published by Care Quality Commission.

7.3 There is a potential risk that information of suspended services may be seen as the publishing of business sensitive information by the Council with the intent to reduce the amount of business a provider will be in receipt of.

7.4 There is a potential risk that the Council may not meet its statutory duty under the Care Act, Section 5 point 2 if (a): -

*2] in performing that duty, a local authority must have regards to the following matters in particular: -*

*a] the need to ensure that the authority has, and makes available, information about the Providers of service for meeting the care and support needs and the types of services they provide;*

7.5 Information published will enable people of Wirral who are privately funding care placements to have the same information available to them that people supported by the Council have when choosing a Care home provision. This will mitigate any risks in relation to people's choice, which may have a positive or negative impact on admission rates for some providers.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Engagement with a range of Council Officers and colleagues from the Integrated Care Board (ICB) has been undertaken to date. The approach and potential impact of the Policy is understood and agreed. Communications and events with Providers will be arranged, through forum contact meetings these will take place in addition to quality visits taking place across the sector.

## **9.0 EQUALITY IMPLICATIONS**

9.1 There are no direct implications for equality in regard to community facing activities.

9.2 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help Council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 The Policy in PDF file may not be suitable to view for people with disabilities, users of Assistive Technology or mobile phone devices. Please contact the report author if you would like this document in an accessible format.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are no environment and climate implications related to this report.

## 11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Care provider organisations employ significant numbers of Wirral residents who contribute to the local economy.

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## APPENDICES

Appendix 1 Quality and Suspension Policy

## BACKGROUND PAPERS

The Care Act 2014  
The Equality Act 2010

## TERMS OF REFERENCE

This report is being considered at the Adult Social Care and Public Health Committee in accordance with Section 2.2(a) adult social care matters (e.g. people aged 18 or over with eligible social care needs and their carers).

## SUBJECT HISTORY (last 3 years)

| Council Meeting                               | Date             |
|---|------------------|
| Adult Social Care and Public Health Committee | 29 November 2022 |
| Adult Social Care and Public Health Committee | 18 January 2021  |