Cabinet

12 July 2023

Adult Social Care update on the introduction of local authority assessment by the Care Quality Commission under the Health and Care Act 2022

Durham County Council

Ordinary Decision

Report of Corporate Management Team

Report of Jane Robinson, Corporate Director of Adult & Health Services

Councillor Chris Hood, Cabinet Portfolio Holder for Adult & Health Services

Electoral division(s) affected:

Countywide

Purpose of the Report

- To provide Cabinet with an update on the framework which the Care Quality Commission (CQC) began to use in April 2023 to assess how local authorities discharge their Adult Social Care duties under Part 1 of The Care Act 2014.
- To provide Cabinet with information relating to the update to the Government's plan for care and support reform, 'Next steps to Put People at the Heart of Care' April 2023.

Executive summary

- In April 2022, the Health and Care Act 2022 came into force. It gave CQC regulatory powers to assess how local authorities discharge their Adult Social Care duties under Part 1 of The Care Act 2014. Using a similar approach, the CQC will also be assessing Integrated Care Systems (ICS) to establish how they are working to tackle health inequalities and improve outcomes for people.
- In April 2023, CQC's regulatory powers to allow them to assess how local authorities discharge their Adult Social Care duties under Part 1 of The Care Act 2014 on behalf of the government came into effect.

Also in April 2023, the Government published its updated plan for care and support reform, 'Next steps to Put People at the Heart of Care'. This confirmed the two-year plan for system reform for 2023-2024 and 2024-2025 and further implements the white paper 'People at the Heart of Care' (December 2021).

6 This report outlines:

- (a) the chronology leading up to the implementation of the white paper 'People at the Heart of Care' (December 2021), the introduction of the Health and Care Act 2022, and the further update 'Next steps to Put People at the Heart of Care' (April 2023);
- (b) the interim framework CQC will use when assessing how local authorities discharge their Adult Social Care duties under Part 1 of The Care Act 2014;
- (c) CQC's timeline to commence the assessment of the way local authorities discharge their Adult Social Care duties under Part 1 of The Care Act 2014;
- (d) Durham County Council Adult and Health Services approach to the assessment as to how it discharges its Adult Social Care duties under Part 1 of The Care Act 2014 by CQC under their powers as outlined in the Health and Care Act 2022.

Recommendation(s)

- 7 Cabinet is recommended to:
 - (a) note the contents of this report and that a further update will be received in six months;
 - (b) note that Cabinet will be informed when CQC notifies Durham County Council that it will be undertaking the assurance process of the delivery of adult social care duties.

Background

- 8 Prior to March 2010, annual assessments of local authority Adult Social Care were undertaken by CQC on behalf of the government.
- In March 2010, the powers which CQC had to carry out this independent assessment activity were stood down by the government of that time.
- Since 2010, local authority Adult Social Care has not been subject to external assessment by an independent regulatory body. Local authorities have continued to carry out their own service led assurance activity within Adult Social Care, often working regionally to share information and improvement initiatives.
- In December 2021, the government delivered the white paper 'People at the Heart of Care', which announced plans for a reintroduction of external assessment by an independent, external, regulatory body, such as CQC.
- In April 2022, the Health and Care Act 2022 came into force. It gave CQC regulatory powers from April 2023 to enable them to assess how local authorities and Integrated Care Systems (ICS) discharge their Adult Social Care duties under Part 1 of The Care Act 2014.
- At the same time, the Health and Care Act 2022 established the fortytwo statutory ICSs across England commencing from 1 July 2022. ICSs are partnerships of organisations that come together to plan and deliver joined up health and care services, and to improve the lives of people who live and work in their area. Durham County Council is part of the ICS for the North-East and North Cumbria.
- 14 From July 2022 and throughout the development period, to support local authorities in preparing for the commencement of the assessment regime in April 2023, CQC carried out testing activity, consulted with all interested parties, and provided guidance documents and updates. This included:
 - (a) October 2022 Disseminating an early draft of a proposed assessment framework to give local authorities an insight into the planned approach;
 - (b) December 2022 Distributing an update so that local authorities would know that CQC's planned work was progressing on schedule and sharing information relating to "Test and Learn" activities carried out in Manchester and Hampshire which further informed the development of their assessment framework approach;

- (c) February to March 2023 Publishing an interim approach to assessing local authorities with guidance, and a more finalised draft assessment framework for local authority assurance in adult social care;
- (d) March to April 2023 Delivering an ongoing webinar programme to provide updates to local authorities at which health and social care professionals can pose questions directly to CQC senior officers.
- On 01 April 2023 and as planned, CQC's regulatory powers came into effect. When assessed, local authorities will be given a rating of outstanding, good, requires improvement, or inadequate.
- On 04 April 2023, the Government published its update plan for care and support reform, 'Next steps to Put People at the Heart of Care'. This confirmed the two-year plan for system reform for 2023-2024 and 2024-2025 (see Appendix 4). This further implements the white paper 'People at the Heart of Care' (December 2021).

Introduction of CQCs interim assessment framework for local authority assurance

- The assessment of the local authority made by CQC is based on a single assessment framework which is used to assess all types of services in all health and care sectors at all levels. This is currently in draft form, awaiting finalisation. The way that local authorities discharge their duties under Part 1 of The Care Act 2014 is assessed across four themes and nine quality statements which sit under each theme:
 - 1. how local authorities work with people
 - i. assessing needs;
 - ii. supporting people to live healthier lives;
 - iii. equity in experiences and outcomes;
 - 2. how local authorities provide support
 - i. care provision, integration, and continuity;
 - ii. partnerships and communities;
 - 3. how local authorities ensure safety within the system
 - i. safe systems, pathways, and transitions;
 - ii. safeguarding;
 - 4. leadership
 - i. governance, management, and sustainability;

- ii. learning, improving and innovation.
- These are aligned to "I" statements and "we" statements. "I" statements are based on what people expect and need and are used as a basis for gathering structured feedback. "We" statements are the standards against which CQC will hold local authorities and ICSs to account (Appendix 2).
- The evidence used by CQC to support assessments of the local authority against these themes and quality statements is drawn from:
 - (a) information about people's experience of adult social care;
 - (b) feedback from staff and leaders about adult social care;
 - (c) feedback from partners about adult social care;
 - (d) information about processes within adult social care;
 - (e) information about outcomes of adult social care.
- Observation is not used as an evidence category for local authorities as it does not apply to the specific context of a local authority.
- Data and information specific to the scope of the assessment, the delivery model and the local demographic is considered, alongside underpinning best practice standards and guidance.
- Local authorities are expected to produce a self-assessment document on their current performance and this document will be requested by CQC as part of their assurance activity.
- 23 It is expected that CQC will expand upon and update this interim approach as they develop their draft model.

CQC's timeline for commencing assessment of local authority delivery of adult social care

- 24 Between April and September 2023, CQC are reviewing published evidence and data from all local authorities to establish a baseline and inform the next phase of assessment activity. CQC is focusing on two quality statements only during this period:
 - (a) care provision, integration, and continuity;
 - (b) assessing needs.

- 25 CQC are looking mainly at evidence data which is already published, such as Market Position Statements, Joint Strategic Needs Assessments, and statutory returns.
- 26 CQC will draw out themes and insight on:
 - (a) access;
 - (b) commissioning;
 - (c) market shaping;
 - (d) workforce;
 - (e) personalisation.
- This data and evidence will not be published at individual local authority level. Instead, CQC will publish it at an overall national level as a collection of evidence. For example, they may publish this information in the CQC annual statutory State of Care report to Parliament.
- This national review is the first element towards full assessment of these two quality statements. It constitutes CQC's initial steps in developing judgements for individual authorities. It will also provide context and an opportunity to benchmark data.
- Information which has been published about Durham County Council Adult Social Care will be scrutinised by CQC in this phase.
- Additionally, between April and September 2023, CQC are carrying out up to five pilot assessments of local authorities to help to further develop and refine their approach. CQC is working with those pilot local authorities to determine the best way to publish their findings and will give the pilot local authorities an indicative rating, which will be in the public domain.
- The authorities engaging in this pilot stage are Birmingham City Council, Nottingham City Council, Lincolnshire County Council, Suffolk County Council and North Lincolnshire Council.
- From Autumn 2023, the formal assessment period of all local authorities will commence. CQC aims to complete twenty assessments initially and report these as published individual ratings from early 2024 onwards. A rating for all local authorities will be published over the next two years.

Durham County Council's preparation for the commencement of assessment of local authority delivery of adult social care

- Durham County Council gains assurance regarding their Adult Social Care duties under Part 1 of The Care Act 2014 in several ways. These include but are not exclusive to:
 - (a) monitoring and oversight of assurance activity via the Adult and Health Services Quality Assurance Board (QAB) chaired by the Corporate Director of Adult and Health Services and the Adult and Health Services Oversight and Assurance Group chaired by the Chief Executive. See Appendix 3;
 - (b) participation in and learning from peer review and challenge, in the form of a regionally commissioned Annual Conversation (AC) which took place in October 2022. The key learning points from this are as follows:

Regionally

(i) activity has informed the North-East Association of Directors of Adults Services (ADASS) sector led improvement programme. DCC senior officers provide representation on the numerous regional groups covering areas such as commissioning, performance, workforce, digital, assurance and safeguarding. Findings from the outcome of Annual Conversations across the region are informing much of this work;

Locally

- (ii) the need to improve corporate oversight and engagement was identified as an area for further development. An Oversight and Assurance Group and regular updates to Corporate Management Team and Cabinet were established in recognition of this prior to the annual conversation;
- (iii) the need to strengthen feedback on our services and practices from a wide variety of stakeholders. This includes surveying key stakeholders such as wider DCC personnel, our partners, service users/carers and utilising the feedback to inform our self-assessment process;
- (iv) Effective reablement and co-production framework were raised as examples of best practice in the regional feedback. Work is planned to further enhance co-production and our reablement model;

- (v) the AHS workforce strategy was identified as an example of best practice;
- (vi) the need to improve data quality to support decision making was also highlighted. AHS has enhanced its quality assurance processes and will achieve further gains following the implementation of new 'business intelligence' dashboards.
- (c) the establishment of an Inspection Preparation Oversight Group.
 This meeting is chaired by the Head of Adult Care and adopts a program management approach for overseeing a work schedule;
- (d) continuous development of our quality assurance framework. This
 is overseen by a Quality Assurance Board (QAB) chaired by the
 Corporate Director which provides further inspection preparation
 oversight;
- the development of a communication plan. This focuses on internal and external communications. The external communications include refreshing public facing web pages and keeping key partner organisations and the general public updated;
- (f) analysing learning from other published peer review and challenge activity, such as the findings from the CQC "Test and Learn" activities held in Autumn 2022 and from the outcomes of the pilot activity which is taking place between April and September 2023;
- (g) preparation of a self-assessment document on current performance which follows the guidance outlined in the Local Government Authority (LGA) and the Association of Directors of Adult Social Care (ADASS) publication "Getting Ready for Assurance: A guide to support the development of your Adult Social Care Self-Assessment" (October 2022);
- (h) collation of a base of evidence which is published or statutorily returned and which CQC will refer to as part of their assurance activity, aligned to the "CQC Required Evidence list" (March 2023). This is described as evidence which CQC will "have;"
- (i) collation of a base of evidence which CQC will request as part of their assurance activity, aligned to the "CQC Required Evidence list" (March 2023). This is described as evidence which CQC will "request;"

- (j) the Adult and Health Service Annual Quality Schedule 2023 2024, which reports into QAB every quarter and includes a rolling programme of adult care case file audits.
- Adult and Health Services will continue to monitor the assessment process which CQC is implementing from April 2023.
- Adult and Health Services will continue to review and adapt the local authority response to and preparation for impending assessment of the way that Durham County Council discharges its adult social care duties under Part 1 of The Care Act 2014 within the powers that CQC has as part of the Health and Care Act (2022).
- The feedback and outcomes of assurance activity which has been carried out within the local authority, locally with regional local authorities, and nationally, will continue to be analysed and used to inform service plans, and drive improvement and innovation.

Implementation of the white paper 'People at the Heart of Care'

- Adult and Health Services will continue to monitor, respond to, and implement the updated plan for care and support reform, 'Next steps to Put People at the Heart of Care' (April 2023). (See appendix 4).
- 38 Key points around the work that is being planned and is currently ongoing are stated below with regards to the areas raised appendix 4.
- 39 The two-year plan for system reform covered areas such as:
 - (a) charging reform
 - (i) continuing to monitor government updates on when this program might be restarted with an expected date of October 2024.
 - (b) capacity
 - consideration of the funding allocation will be factored in as part of the current plan on updating the services market sustainability plan;
 - (ii) as part of our ongoing delivery of the BCF, plans are being put in place to meet the new request to report on capacity in our residential and community-based services;
 - (iii) the Care Academy supports independent sector care providers with recruitment, retention, training, and development. For example, since March 2021, 197 people

- recruited into jobs by local care providers using the Care Friends app. More information can be found here.
- (iv) we are sharing the work Durham Community Action are doing to encourage volunteering. More information can be found here.

(c) workforce

(i) the impact of the proposed changes relating to workforce development will be addressed through the review of the current AHS workforce strategy and developments relating to qualification opportunities utilising local investment via national funding referenced in appendix 4.

(d) digital and data

(i) the AHS digital board continues to oversee work plans and priorities in relation to digital developments to support the sector. We work closely with colleagues in performance and strategy service to utilise data to inform our service. improvement activity. The porting across of our data insight information to the corporate business intelligence system is being overseen by the AHS digital board.

(e) housing

- (i) AHS is feeding into the consultation process of a new County Durham Housing Strategy 2024 which seeks to be inclusive and accessible of people with support needs.
- (f) innovation and joined up working
 - (i) the Director of Integration oversees a program of integration covering a number of workstreams including community therapy support, hospital discharge, equipment in care homes;
 - (ii) we are currently working with our local mental health trust partners to strengthen our social care priorities in the delivery of integrated community mental health services.

Conclusion

Durham County Council's Adult and Health Service is undertaking ongoing service improvements which contribute to the preparation for CQC assessment of the local authority's delivery of its duties under part 1 of the Care Act 2014.

- As outlined in this report, significant work is being undertaken in preparation for this assessment process. This includes working in conjunction with the other local authorities across the North East ADASS footprint, developing thought processes, sharing learning and providing mutual support.
- The local authority is also undertaking a body of work to respond to the key themes in the government's new plan for social care reform 'People at the Heart of Care'.

Background papers

None.

Other useful documents

- February 2021: NHS Reform White Paper
 Integration and Innovation: working together to improve health and social care for all (publishing.service.gov.uk)
- December 2021: People at the Heart of Care: adult social care reform white paper
 People at the Heart of Care: adult social care reform white paper
- December 2022: Update from CQC
 Our new single assessment framework Care Quality Commission (cqc.org.uk)
- February 2023: Interim guidance from CQC
 Interim guidance for Local Authority Assessments (cqc.org.uk)
- March 2023: Draft guidance from CQC
 <u>Assessment framework for local authority assurance Care Quality</u>
 Commission (cqc.org.uk)
- March 2023: Interim guidance from CQC
 Interim guidance on our approach to assessing integrated care systems
- April 2023: Adult social care system reform: next steps to put People at the Heart of Care
 Next steps to Put People at the Heart of Care

Contact: Lee Alexander Tel: 03000 268 180

Appendix 1: Implications

Legal Implications

This report responds to and covers the implications of the Department of Health and Social Care White Paper "Integration and innovation: working together to improve health and social care for all," which set out legislative proposals for the Health and Care Act 2022.

Finance

Preparations and activity outlined in the report are being undertaken within existing budget arrangements.

Consultation

Where appropriate, consultation has taken place with internal and external colleagues and stakeholders and partners. Further consultation will be undertaken as required.

Equality and Diversity / Public Sector Equality Duty

The principles of equality and diversity have been considered.

Climate Change

N/A

Human Rights

The principles of equality and diversity have been considered.

Crime and Disorder

N/A

Staffing

Staff will be involved in any assurance activity and are required to adhere to relevant legislation and any professional regulatory or statutory requirements relating to their roles.

Accommodation

N/A

Risk

There is a reputational risk associated with the CQC assurance process. Assurance activity carried out by the organisation and the service, and

assessment of the local authority by an external independent organisation mitigates against risk by ensuring that the local authority adheres to relevant legislation and any professional regulatory or statutory requirements. Risk registers also held in the Adult and Health services, as well as for programmes of work.

Procurement

N/A

Appendix 2: CQC assessment framework for local authority assurance

Interim guidance for Local Authority Assessments (cqc.org.uk)

Theme 1: How local authorities work with people

'I' statements:

- I have care and support that is co-ordinated, and everyone works well together and with me.
- I have care and support that enables me to live as I want to, seeing me as a unique person with skills, strengths, and goals.
- I can get information and advice about my health, care and support and how I can be as well as possible physically, mentally, and emotionally.
- I am supported to plan ahead for important changes in my life that I can anticipate.
- I have care and support that enables me to live as I want to, seeing me as a unique person with skills, strengths, and goals.

Quality statements:

Assessing needs:

We maximise the effectiveness of people's care and treatment by assessing and reviewing their health, care, wellbeing, and communication needs with them.

Supporting people to lead healthier lives:

We support people to manage their health and wellbeing so they can maximise their independence, choice and control, live healthier lives and where possible, reduce future needs for care and support. Interim guidance on our approach to local authority assessments.

Equity in experience and outcomes:

We actively seek out and listen to information about people who are most likely to experience inequality in experience or outcomes. We tailor the care, support, and treatment in response.

Theme 2: How local authorities provide support

'I' statements:

- I have care and support that is co-ordinated, and everyone works well together and with me
- Leaders work proactively to support staff and collaborate with partners to deliver safe, integrated, person-centred and sustainable care and to reduce inequalities.

Quality statements:

- Care provision, integration, and continuity: We understand the diverse health and care needs of people and our local communities, so care is joined-up, flexible and supports choice and continuity.
- Partnerships and communities: We understand our duty to collaborate and work in partnership, so our services work seamlessly for people.
 We share information and learning with partners and collaborate for improvement.

Theme 3: How local authorities ensure safety within the system

'I' statements:

- When I move between services, settings or areas, there is a plan for what happens next and who will do what, and all the practical arrangements are in place.
- I feel safe and am supported to understand and manage any risks.
- I feel safe and am supported to understand and manage any risks.

Quality statements:

Safe systems, pathways, and transitions:

We work with people and our partners to establish and maintain safe systems of care, in which safety is managed, monitored, and assured. We ensure continuity of care, including when people move between different services.

Safeguarding:

We work with people to understand what being safe means to them and work with our partners to develop the best way to achieve this. We concentrate on

improving people's lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm, and neglect. We make sure we share concerns quickly and appropriately.

Theme 4: Leadership

Quality statements:

Governance, management, and sustainability:

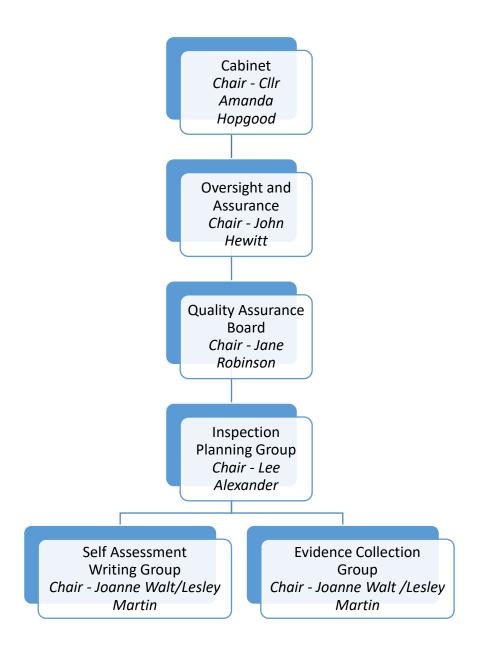
We have clear responsibilities, roles, systems of accountability and good governance to manage and deliver good quality, sustainable care, treatment, and support. We act on the best information about risk, performance, and outcomes, and we share this securely with others when appropriate.

Learning, improvement, and innovation:

We focus on continuous learning, innovation and improvement across our organisation and the local system. We encourage creative ways of delivering equality of experience, outcome, and quality of life for people. We actively contribute to safe, effective practice and research.

Appendix 3: Adult and Health Services Quality Assurance Governance Framework

Quality Assurance activity is managed via the Quality Assurance Governance Framework which follows the reporting line illustrated below. Assurance reports and presentations are made via this governance route. The relevant Chair for each meeting oversees the flow of activity between these groups and provides approval as appropriate, with Cabinet being the final decision maker.



Appendix 4: Implementation of the white paper 'People at the Heart of Care'

- On 4 April 2023, the Government published its update plan for care and support reform, 'Next steps to Put People at the Heart of Care'. This confirmed the two-year plan for system reform for 2023-2024 and 2024-2025 and further implements the white paper 'People at the Heart of Care' (December 2021).
- 2 The two-year plan for system reform covered areas such as:
 - (a) Charging reform
 - (b) Capacity
 - (c) Workforce
 - (d) Digital and data
 - (e) Housing
 - (f) Innovation and joined up working
- The initial focus of the implementation of this vision was on the plans for charging reform. The focus has now shifted to the additional areas: capacity; workforce; digital and data; housing; and innovation and joined up working.
- The latest published update to the two-year plan 'Next steps to Put People at the Heart of Care' outlines the following:
 - (a) Charging reform:
 - (i) This was paused for two years in October 2022 so that the allocated funding could be reallocated to address inflationary pressures on social care which local authorities are facing.
 - (b) Capacity:
 - (i) It has been confirmed that the Market Sustainability and Improvement Fund (MSIF) will be allocating £562m in 2023 2024 and £845m in 2024 2025 for local authorities to use flexibly. The grant conditions for MSIF have been published.

- (ii) The new framework for the Better Care Fund (BCF) covering 2023-25 has been published, covering the conditions and allocations for the BCF over the next two years. Government will be asking local areas to report the capacity they will be putting in place to meet demand across all their residential and community-based services. This is the first time a request to report this information has been made.
- (iii) £15m is being allocated to support care providers to access international recruitment. This will build upon the increased numbers of workers being drawn from overseas since the Health and Social Care Visa was added to the shortage occupation list in February 2022.
- (iv) £3m is being invested to support an increase in volunteering within social care.

(c) Workforce:

- (i) The strategy does cover career development but does not cover pay and conditions for the social care workforce.
- (ii) It has been confirmed that £250m has been allocated for investment into this area over the next two years. The White Paper had originally allocated £500m for this work.
- (iii) The Government will publish a new National Workforce Pathway in Autumn 2023. A consultation was launched in April 2023 to feed into the development of this pathway.
- (iv) Investment will be made into providing additional training places. It is intended that a new Level 2 Care Certificate will be introduced and will become a 'baseline standard' for those working in social care. There will also be an emphasis on improving digital skills within the sector.

(d) Digital and Data:

- (i) £150m will be invested in this area, as outlined in the original paper. The update confirms that £50m has been invested 2022 2023, with a further £100m investment planned to be spread over the next two years.
- (ii) The £50m invested during 2022 2023 was focused predominantly on helping providers to institute digital care records and install falls technology. These areas were prescribed for this first allocation. The remaining allocation

will provide greater choice in identifying the right digital technologies for people drawing on their care and support services. It is intended this will be done by supporting ICSs to test and adopt care technologies that address local priorities, providing implementation and evaluation support to develop an evidence base to scale technologies where there are proven benefits.

(iii) The paper emphasises the importance of using data in social care delivery. Up to £50m will be invested in improving the sector's use of data. It is unclear whether this is additional funding or to be allocated out of the £150m mentioned in (i). This focus on improved data collection aligns to new and additional reporting requirements for local authorities, including those to CQC.

(e) Housing:

- (i) The £300m outlined in the original White Paper to integrate housing into local health and care strategies is not mentioned in the update. It is suspected that this money will no longer be available.
- (ii) There will be a £102m investment in the Disabled Facilities Grant over the next two years. This does appear to be additional to the £573m per year which was originally set out in the White Paper for this area.
- (iii) A new and independently chaired Older People's Housing Taskforce will be established and jointly hosted by the Department for Health and Social Care (DHSC) and the Department for Levelling Up, Housing and Communities (DLUHC). The aim is to provide recommendations on Retirement Housing (excluding care homes) to the Government by Spring 2024.

(f) Innovation and joined-up working:

- (i) A new social care Innovation and Improvement Unit will be established by the Government, and £35m will be invested over the next two years to support local authorities, ICSs, and sector partners in developing innovative approaches to transform the quality of care.
- (ii) £35m will be invested in supporting improved joined-up working between health and social care within local areas. This will cover:

- 1. Targeting support to local areas though the BCF support programme.
- 2. Developing a better understanding the impact of integrated support for carers.
- 3. Building leadership skills to support the better integration of services, particularly for those at ICS level.
- Adult and Health Services will continue to monitor, respond to, and implement the updated plan for care and support reform, 'Next steps to Put People at the Heart of Care' (April 2023).