

# **ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 22 JANUARY 2023**

## **UPDATE ON CQC INSPECTION FRAMEWORK**

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### **Summary**

1. The Panel will consider an update on the new Care Quality Commission (CQC) inspection framework.
2. The Panel has been kept regularly informed about the new inspection framework, the most recent update being on 24 March 2023 (see background papers).
3. The Cabinet Member with Responsibility for Adult Social Care and the Strategic Director for People have been invited to the meeting to update on progress and to respond to any queries the Panel may have.

### **Background**

4. Since the Panel were updated in March, CQC have completed 5 pilot assessments of the following local authorities: Birmingham City, Lincolnshire County, North Lincolnshire, Nottingham City and Suffolk County Council. Their findings have been published, with Nottingham City being judged as “requires improvement” and the other 4 authorities receiving a “good” outcome. [Local authority assessment reports - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/local-authority-assessment-reports)
5. Alongside the pilots, CQC have also reviewed data and published documentary evidence across all 153 local authorities, focusing on themes in two of the four quality statements:
  - a. Care Provision, Integration and Continuity
  - b. Assessing Needs
6. CQC have also secured Government Approval for their final framework for inspection, which was published on 8 December 2023 [Assessment framework for local authority assurance - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/assessment-framework-for-local-authority-assurance). They have also published the full details of the information local authorities must return to CQC to support their inspections. [Local authority information return - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/local-authority-information-return)
7. Whilst CQC have developed and published a Single Assessment Framework, which they are using to inspect: Providers; Integrated Care Systems (ICSs) and local authorities, the specific assessment framework for local authorities is a subset of the overarching Single Assessment Framework.
8. CQC have recruited regional teams of inspectors and support staff who will work together, as a team to inspect providers, ICSs and local authorities in their area. It is not yet clear of the rationale and full timetable for inspections across all of these

bodies, however CQC have published information stating that provider inspections (this does not include local authorities) for the Midlands will commence on 16 January 2024.

9. The CQC has reported that they will complete inspections of all local authorities over a two year period and on 14 December 2023 announced the next 3 local authorities to be inspected: West Berkshire, Hounslow and Hertfordshire, with further announcements expected in the New Year.
10. On announcement of inspection, local authorities have 1 week to return contact details for: Chair of Voluntary Sector Form and umbrella bodies; all carer organisations the council works with and commissioned advocacy services. Inspectors will make contact with these organisations directly, ahead of site inspection.
11. The local authority will have a further three weeks to provide all other information; including its self-assessment; 50 live cases (for inspectors to select from for further investigation); Strategies, processes, data as well as people's experiences that have been collected and used in the shaping and development of the local authority's strategies and ways of working.
12. Local authorities will also need to provide the names and roles of a range of stakeholders from within the organisation and its partners and providers – CQC will select who they want to speak to and appointments will be arranged for them for when they are on site. Stakeholders will include the Leader of the Council; Cabinet Member with Responsibility for Adult Social Care; Scrutiny Panel; Chief Executive; Directors of Adult Services, Children's Services and Public Health; Safeguarding Adults Board, Health and Wellbeing Board along with front line staff and representatives from social care provider organisations and partners, including NHS, Housing, Fire and Police.
13. The local authority will have at least eight weeks' notice ahead of CQC Inspectors visiting the site for inspection.
14. Inspectors will consider data already available through: Improved Better Care Fund quarterly reports; Adult social care complaint reviews; Adult Social Care Short and Long-term (SALT) returns, Adult Social Care Finance Return and Local Authority Revenue Expenditure and Financing.
15. Inspectors will triangulate the data and information shared with them, with nationally available data and information, along with their findings from conversations with stakeholders to inform their final assessment rating and findings.
16. The final outcome of inspection will be published via the CQC website.
17. At a recent ADASS webinar, local authorities were informed by independent lawyers, Essex Chambers, that key areas of concern that will be investigated by inspectors will be in relation to:
  - a. Delay in assessment
  - b. Delay in care provision

- c. Lack of co-operation between services (resulting in lack of or delayed provision)
- d. Delayed financial assessments
- e. Incorrect calculation of charges
- f. Failure to provide information about charges
- g. Delays in handling complaints, including local government ombudsman complaints.

18. The introduction of the performance dashboard, customer journey metrics and quality assurance framework are ensuring that chief officers, senior managers and managers are aware and tackling any issues in relation to the Council's performance, within resources available, in relation to these areas.

### **Readiness for Inspection**

19. Over recent months, the People Directorate has been preparing for inspection. Key areas of focus have included service and process improvement, along with ensuring appropriate Strategies, Policies, Processes and Procedures are in place. The Council has used the draft CQC Inspection Framework, published in March 2023, in conjunction with the findings of the initial self-assessment to focus activity. CQC's publication of their final Inspection Framework and full Information Return gives the Directorate confidence that activity has been focused on the right areas and this has included:

- Full review, restructure and redesign of the Council's approach and model for Safeguarding, launched and will be reviewed January/June 2024
- Project Team commissioned to manage Safeguarding Backlog which has significantly reduced, to be cleared in full March 2024.
- Refresh of the Adult Social Care Strategy which was endorsed by Cabinet on 14 December 2023.
- Development of the Prevention Strategy, which was also endorsed by Cabinet on 14 December 2023.
- Introduction of a robust Quality Assurance Framework.
- Development of a performance dashboard, which is accessible and cascaded through all teams that shows performance and trends across all KPIs.
- A Refreshed Market Position Statement which is due to be considered by Cabinet in February 2024.
- Development and publication of the "Customer Journey" with useful animation and information and advice for residents and staff. [Link to Video](#)
- Refreshing and development of all policies and procedures.
- Development of a new, easily accessible and understanding practice portal, which includes all new legislation, policies and procedures for staff – this will be launched late January 2024.
- Development of Standard Operating Procedures for all services.
- Establishment of the Building Together Forum – a forum of customers, carers and providers who have and will continue to support the co-production of strategies and ways of working.
- Refreshed business continuity plans for the service
- Holding mini-inspections with teams and findings fed into the Inspection and Improvement programme
- Holding a myriad of face to face and online "bite-size" sessions with teams.

- Total revamp and improvement to the website presence, with the support of the Building Together Forum and Healthwatch.
- Introduction of self service for partners and residents – which will be expanded further in January 2024, to include self-assessment.
- Launch of a pilot approach to ensure all residents who contact the Council with care and support needs can be offered rehabilitation and/or reablement to improve their independence and reduce their need for long term care.
- Commencing activity in January 2024 to reduce the current backlog of Deprivation of Liberty Safeguards (DoLS) assessments.
- Expansion of mandatory training for staff, to include further key topics and learning in relation to the Care Act.

20. The Directorate has also developed and started to roll out a comprehensive stakeholder engagement plan, to ensure key stakeholders and staff are informed and involved in the journey towards inspection.

21. The Council's focus for early 2024 is to embed, with staff, partners and providers its new strategies and ways of working and to ensure key messages, case studies and learning are disseminated effectively across all groups to ensure the local authority, its providers and partners are ready for inspection.

### **Legal, Financial, and HR Implications**

22. The Health and Care Act 2022 gives CQC a new responsibility to give a meaningful and independent assessment of how well the local authority is performing against our duties, for people accessing care and support, under Part 1 of the Care Act 2014.

23. The Secretary of State's priorities are:

- Access to care for those who need it, including people who are discharged from hospital.
- Personalisation of care to meet the needs of individual people and their carers.
- Commissioning services to support good outcomes from care.
- Supporting a vibrant and sustainable local care system.
- Support and development for the social care workforce.

24. The Secretary of State for Health and Social Care has approved CQC's final guidance on assessments, as required by the Health and Care Act 2022.

25. In the event of findings of failure, through inspection, the CQC has introduced an operational framework for adult social care intervention in local authorities.

26. The process will be:

- a. Assessment report highlighting failures
- b. Other sources of information (DLUHC, DfE, audit reports, LGSCO, whistleblowing)
- c. Consideration of actions
- d. Signposting and target support, enhanced monitoring and support are the two main outcomes.

Or...

- e. DHCS early engagement (non-statutory interventions)
27. If an authority has not been able to tackle sustained problems, the Secretary of State can use new intervention powers.
28. The Operational Framework states that *“we expect these powers are likely to be used in the most serious cases – for example, where a serious and persistent risk to people’s safety has been identified and other forums of support are insufficient to drive improvement. Unlike interventions in children’s social services, there is no power to set up independent trusts.”*
29. Enhanced support would be provided short of statutory intervention which would involve:
- a. Non-statutory improvement officer to provide guidance, support and constructive challenge.
  - b. Engagement with Department of Health and Social Care
  - c. Improvement Plan

### **Equality and Diversity Implications**

30. “Equity in Experiences and Outcomes” is one of the nine quality statements CQC will inspect the local authority against, under the “Working with People” Theme.
31. The Council will be required to provide its strategy and actions for identifying and reducing inequalities of experiences and outcomes relating to Care Act duties.
32. The local authority has an Equality Strategy and Action Plan which is currently being reviewed ahead of refresh and launch in March 2024.
33. The People Directorate have also ensured that all revised and new policies and strategies are underpinned with a Joint Impact Assessment (this includes equality impact assessment).
34. The People Directorate has an Equality Champions network that is supporting the team in evidence gathering to support the inspection.

### **Purpose of the Meeting**

35. The Panel is asked to consider the update provided on the Care Quality Commission’s Inspection Framework and:
- Agree any comments to highlight to the Cabinet Member
  - Give their thoughts on how and when they want to be regularly engaged through the journey to inspection
  - Give their thoughts on how they can further support a good inspection outcome for Worcestershire County Council.

### **Contact Points**

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## **Background Papers**

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance), the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of the Adult care and Wellbeing Overview and Scrutiny Panel on 24 March 2023, 18 July 2022

All agendas and minutes are available on the Council's website here.