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Title of meeting:	Health, Wellbeing & Social Care Decision meeting
Subject:	Adult Social Care Assurance
Date of meeting:	1 November 2022
Report by:	Debbie Young, Head of Adults Quality and Performance
Wards affected:	All

1. Requested by:

1.1 This reported was requested by Councillor Matthew Winnington, Cabinet Member for Health, Wellbeing & Social Care.

2. Purpose

2.1. This report briefs the Cabinet Member and spokespeople on a new duty, given to the Care Quality Commission (CQC), to independently review and assess how Local Authorities' Adult Social Care services are performing in delivering their Care Act functions.

The proposed go live date for Local Authority assurance is April 2023.

3. Background

3.1. On 7 September 2021, the Government published 'Build Back Better: Our plan for health and social care' [1](the Plan). These have now become law in the Health and Care Act 2022[2]. This publication forms part of the wider social care reforms announced by the government in the adult social care reform white paper 'People at the heart of care[3]' which set out government's 10-year vision for adult social, alongside its priorities for investment.

3.2. The paper detailed three objectives of:

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[1]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015736/Build_Back_Better-_Our_Plan_for_Health_and_Social_Care.pdf

[2] Health and Care Act 2022 (legislation.gov.uk)
[3] People at the Heart of Care: adult social care reform - GOV.UK (www.gov.uk)

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- People have choice, control and support to live independent lives.
- People can access outstanding quality and tailored care and support.
- People find adult social care fair and accessible building on the principles and responsibilities set out in the Care Act 2014.

The underpinning policy:
- greater assurance of local authorities, for example through the Health and Care Bill
- sustainable long-term funding and adequate resourcing for local government
- robust market oversight and assurance

3.3.   The Health and Care Act 2022 was enacted on 28th April 2022; this briefing paper focusses on regulation of local authority functions relating to adult social care, which is due to be introduced in April 2023.

4. Local Authority Assurance

4.1.   Although Children's Services, within councils, has been subject to regulation by an independent regulatory body (Ofsted) for many years, annual assessments of adults' social services in councils, by a regulatory body, stopped in 2010.

From April 2023 the Care Quality Commission (CQC) will have the regulatory responsibility of Local Authority assurance which will focus on how well Councils with Adult Social Services Responsibility (CASSR) are meeting their duties under Part One of the Care Act 2014.

4.2.   Under the Care Act, local authorities have duties to make sure that people who live in their areas:
- Receive services that prevent their care needs from becoming more serious, or delay the impact of their needs
- Can get the information and advice they need to make good decisions about care and support
- Have a range of high quality, appropriate services to choose from

4.3.   Single Assessment Framework

A single assessment framework has been adopted by CQC and will assess local authorities, providers and integrated care systems against a consistent set of key themes of:
- working with people
- providing support
- ensuring safety
- leadership

with several quality and 'I' statements within each.

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Although the detailed assurance process for local authorities is not due for sign off until autumn, the single assessment process has been published and is made up of the following elements:

- five key questions of safe, effective, caring, well-led and responsive
  - aligned to 'I' statements[4]
- quality statements, which set out the commitments to live up to
  - set out as 'we' statements[5]
- six evidence categories to assess the quality statements
  - people's experience of services
  - feedback from staff and leaders
  - feedback from partners
  - observation
  - processes (taken from information and data that measure the effectiveness of policies and procedures)
  - outcomes (impact of care process on the individual)
- four-point rating scale (outstanding, good, requires improvement and inadequate) although this may not be introduced for the first year.

Choice, control and personalisation are core to the framework.

5. Adult Social Care at Portsmouth City Council

5.1.　The focus of assurance will be on how effectively we discharge our duties and responsibilities under the Care Act.

5.2.　We have adopted a number of tools to support our understanding of 'risk' in terms of our practice; these have developed in the South East region, through the Association of Directors of Adults Social Services (ADASS) and by the Local Government Association (LGA) - the TEASC tool. ASC are also adopting a local tool to undertake a more in-depth review to understand any areas we may want to apply some additional focus.

5.3.　As Adult Social Care in councils has not been subject to regulation for over 10 years, the emphasis on the need and benefit of clear, consistent processes, good data capture and analysis, coupled with regular review of performance data has been eroded within the Council. Consequently, the level of data and information we capture needs to be improved and investment made into resource to create and analyse data so we can better understand demand, risk and pressure within the business.

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[4] See Appendix 1 of this document for example 'I' statements

[5][5] See Appendix 1 of this document for example 'We' statements

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5.4.   With the recent appointments of Heads of Service for Adult Services Operations and Quality and Performance this provides the opportunity to review the business systems, processes, practice and data.

Early indications are that the data, information and evidence needed to assess the quality statements either need to be developed or further developed. This is recognised as a key challenge for all CASSR partly due to the absence of a national framework.[6]

5.5.   A cache of evidence is being pulled together to include process, practice guides, case studies etc to share with the regulator as part of an inspection process.

6. Risk and mitigation

6.1.   <u>Practice</u>

Assurance of ASC is focussed on Part One of the Care Act 2014, and how well CASSRs are meeting their duties. To do this we will need to evidence compliance with the legislation. Although the responsibilities are understood at this time this is not always easy to evidence. The Directorate is working towards mitigating this risk through routine collection of evidence, including items such as, for example, case audits, Principal Social Worker's monthly briefing, continued professional development, learning.

6.2.   <u>Quality</u>

The Quality Assurance Frameworks for practice within the Council's ASC Directorate and for care providers hosted in Portsmouth are being reviewed and updated to be proportionate, with a default on proactive engagement, and an appropriate level of reactive engagement. The frameworks will focus on developing understanding, adopting best practice and developing a culture of learning and continuous improvement through engagement and co-production.

6.3.   <u>Process</u>

The case recording system used (SystmOne) is predominantly a Health system, with a module for social care, as a result the 'customer journey' is not as defined as it could be, which also presents the risk of inconsistency.

Work is in progress to understand the customer journey and review and update process, practice and guidance within the Council to support a lean, consistent way of working that adds value, and understood across the Directorate.

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[6] Building capacity and capability for improvement in adult social care | The King's Fund (kingsfund.org.uk)

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6.4.   Strategies

There are some gaps in written strategies, which are logged, some of which are fundamental. For example, there is not an ASC Workforce Strategy (locally or nationally), in Portsmouth we need to understand the baseline in terms of skills, capacity and deficit so the Council can plan what the future workforce needs to look like based on demand and commissioning intentions and understand any development that may be required.

A programme of work is now being managed through our monthly ASC Portfolio Board, to plan and develop (written) strategies that focus on key areas of responsibility and work that needs to be done in order to meet our statutory duties and deliver our vision for ASC. To further support this area of work the Directorate will be reinstating a role to lead on policy and strategy within the Directorate.

6.5.   Resource

To enable ASC to adequately prepare for assurance and embed a culture of continuous improvement ASC need to be appropriately resourced. One area in particular is resource for performance in terms of reporting, analysing data and presenting to managers, including senior managers, so there is an understanding of risks, capacity and performance, particularly comparison of performance to previous periods, statutory data returns and benchmarking.

A benchmarking exercise involving other South East CASSR has been undertaken to understand the level of resource deployed to support submission of the eight ASC data collections, these are annual with the exception of the Client Level Dataset (CLD) which is moving from quarterly to monthly. This data, together with regular review of the performance and business information will be core to continuous improvement, self-audit, and assurance.

Resource within the quality and performance area of the business will be reviewed against the benchmark data, ahead of preparing an options appraisal report.

6.6.   Data

Data is captured in several ways including in SystmOne, ContrOcc (ASC finance system) and spreadsheets. There are limits on the level of data being captured and concern there may be some gaps.

SystmOne is used by a small number of Councils, two of which the Council are linking with to understand further opportunities to record within SystmOne, with a view to simplifying recording and reporting.

6.7.   Retrieval of data

Reporting is cumbersome and relies on mapping to a number of data sources. The skills for writing this 'Python' script, which is required to access data from SystmOne, does not exist within the Council's corporate IT service. This means that any changes required to, for example, meet updates to enable statutory data collections or background mapping requires ASC to fund an external contractor to undertake the necessary work.

In addition, reporting from SystmOne and other data sources to produce a meaningful presentation is challenging, resource hungry and complex. ASC have been working with corporate IT with an ask for a platform, a 'data warehouse', where all key data can be extracted to, and tools deployed to enable personnel within ASC to produce an intelligent dashboard, datasets or reports to enable a more proactive approach to reporting. If this solution cannot be delivered or cannot deliver ahead of April 2022, there will be a requirement to (fund and) increase additional resource to manually extract and manipulate data

Corporate IT colleagues are working on a solution, meaning ASC are key to shaping and testing a corporate wide offer. There is a real risk that a solution may not be available ahead of April 2023, and the solution required by ASC may not be met by the corporate solution. This could further risk the Council's ability to present data to satisfy the regulator.

6.8.   Governance

To support a good understanding of the purpose of ASC meetings, how they fit together and points of escalation, the terms of reference are being reviewed to include clear links to ASC infrastructure and meetings. Currently although there is clarity within meetings/groups of their purpose this is not always clear to those who are new or external to the meeting.

Going forward an infographic on governance and how meetings, groups etc link will be added as an appendix to terms of reference.

6.9.   The agreed CQC framework for ASC Assurance has not yet been released, although due to take effect April 2023.

To date we have been working on an indictive framework for assurance that has been shared by DHSC and CQC and know that a single assessment framework is to be deployed across all services regulated by the CQC, however at this time

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the exact detail and approach such as whether ratings will be given and published from April 2022 have yet to be confirmed.

6.10. To mitigate risk an action plan will be coproduced with stakeholders identifying areas we consider a level of improvement would be beneficial.

The action plan will be against a prioritised indicative timeline based on risk, with identified action owners. This will enable ASC to start to make any identified improvements, mitigate risk and demonstrate to the regulator that we have a collective understanding of our business, are aware of any risks and have a clear plan to manage risk and drive sustainable improvement.

7. Next Steps

7.1. Staff briefings through a blend of presentations, written communications, and ASC all staff meetings to support an understanding of regulated assurance of ASC in councils.

7.2. Continue to work with IT to develop an appropriate solution for a data warehouse to enable the retrieval, manipulation, and analysis of data, to support ASC at the Council to understand performance, access good management information and enable us to provide evidence to the regulator in response to the quality statements.

7.3. Mobilise a project team to review progress against the proposed framework, prepare and reference evidence, involve stakeholders and develop and deploy action plans to focus on areas for improvement and promote the practice of continuous improvement.

7.4. Engage with Children's Services to understand their resource, framework and approach to quality and regulation (by Ofsted) and consider any elements that could be adopted in Adults Services.

7.5. Future briefings to Portfolio and/or Cabinet, when there are updates on the framework, progress or risk.

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Signed by (Director)

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Appendix 1

Example of Quality Statements

Area of focus: How local authorities ensure safety in the system This includes safeguarding, safe systems and continuity of care
Quality Statement:
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
✓ *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.*
Safeguarding We work with people to understand what being safe means to them and work with them as well as our partners on 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, and we make sure we share concerns quickly and appropriately.   ✓ *I feel safe and am supported to understand and manage any risks.*