

SOCIAL CARE & HEALTH SCRUTINY COMMITTEE

26TH SEPTEMBER, 2017

SUBJECT:

CARMARTHENSHIRE'S QUALITY ASSURANCE ARRANGEMENTS INCLUDING OPERATION JASMINE ACTION PLAN

Purpose:

To provide assurance to members that the Authority has effective commissioning arrangements in place, specifically quality assurance systems, to ensure service users, carers and the community receive reliable and safe services.

To consider and comment on the following issues:

To note the Authority's effective quality assurance approach.

Reasons:

The provision of adult social care has grown increasingly complex and diverse since 1990 when the NHS and Community Care Act introduced the concept of a mixed economy of care. Each local authority has been required to develop commissioning and contracting arrangements, particularly quality assurance systems, to ensure service users and carers receive reliable and safe services. Carmarthenshire's commissioning arrangements, including its quality assurance systems, are considered "effective" and "robust". (Care and Social Services Inspectorate, Wales 2014, 2015, 2016).

To be referred to the Executive Board / Council for decision: **No**

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-

Cllr. J. Tremlett (Social Care & Health Portfolio Holder)

Directorate

Communities

Name of Head of Service:

Chris Harrison

Designations:

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EXECUTIVE SUMMARY

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26TH SEPTEMBER, 2017

SUBJECT:

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Background

The introduction of the NHS and Community Care Act 1990 required the development of a mixed economy of care away from the traditional state provision of social care only. This led to the emergence of an independent sector (private and voluntary, the latter often referred to as the third sector) to provide social care services in such areas as care homes, domiciliary care and day care.

Alongside this development, the Care Standards Act 2000 introduced explicit standards for care providers and established the regulatory body, the Care and Social Services Inspectorate, Wales (CSSIW) to regulate and inspect care providers to assure the State and the public of the quality of care provided both by local authority and independent care providers.

In Carmarthenshire commissioning arrangements developed early 2002 in response to Government policy and the increasing emergence of a local independent sector.

The pace of change has been significant across both England and Wales with many local authorities currently commissioning their care entirely from the independent sector. This has meant that each local authority has needed to develop commissioning arrangements to ensure that services commissioned met the required standards i.e. safe, reliable, of good quality and cost effective.

Adult social care provision has been the subject of various national debates and enquiries resulting from poor standards of care. For example, the collapse of Southern Cross (2011) exposing the fragility of the residential and nursing care market, the Winterborne scandal (2012) involving the abuse of learning disabled adults; and the mid Staffordshire NHS scandal (2013) involving ill-treatment and neglect of older people in hospital.

The series of measures introduced by the Welsh Government seek to improve standards and provide assurance of service provision, in particular, part 9 Safeguarding of the Social Services and Well-being Act 2014 and the Regulation and Inspection Act 2016 (RISCA). The latter includes not only placing increasing requirements of care providers related to service provision but also better regulation of the social care workforce.

Carmarthenshire Social Care market

Carmarthenshire's social care market is best understood in terms of the different areas of provision, namely the care home sector, domiciliary care, supported living and the third sector. As a whole, the Authority commissions in county over 150 care providers with a gross expenditure of approximately £60 million (2016/17).

There are over 90 care homes in the independent sector. It is extremely diverse and dynamic. Large corporate companies are based in Carmarthenshire: e.g. Barchester Healthcare own two nursing care homes for older people with a total capacity of almost 180 beds; Consensus own two learning disabled care homes; Tracscare with four learning disabled and mental health care homes. Equally, there are a considerable number of small and medium sized care homes owned as a single business by families.

Over the past 10-15 years, several care homes have closed owing to issues of poor standards of care and/or financial viability. In contrast, several care homes have been built, extended or purchased in response to a perceived need and/or business choice.

Domiciliary care represents a second area of considerable development during the past 10-15 years. There are 12 domiciliary care providers operating in the county that chiefly provide services to older people. These range from large corporate companies such as Allied Healthcare, Village Homecare to small and medium sized businesses, many of which established themselves in Carmarthenshire in early 2000 and continue to have good working relationships with the Authority.

In supported living, there are up to 25 care providers with contracts with the Authority. These providers typically provide services to disabled adults in shared houses or individual tenancies clustered together. In addition to the above, there are a range of other services commissioned by the Authority for disabled adults to support them to maintain their independence and meet their needs.

In terms of the third sector, while many third sector organisations are involved in the provision of supported living, the Authority also contracts with almost 30 third sector organisations for specific services e.g. advocacy, advice and information, day opportunities.

Carmarthenshire's Quality Assurance Arrangements

Since the inception of commissioning in 2002, Carmarthenshire has developed effective contract management and contract monitoring arrangements. This has been founded upon:

1 Positive adherence to the principles of statutory Welsh Government guidance, *Promoting Partnerships In Care (2003), Escalating Concerns (2008) and Fulfilled Lives, Supportive Communities: Commissioning Framework and Good Practice guidance (2009)*. These documents explain the strategic requirements placed upon the local authority but also the principles and values expected in the Authority's work with care providers. Carmarthenshire has developed extremely close and constructive working relationships with care providers as the basis of an effective quality assurance approach.

2 Establishing close working relationships with key statutory partners such as the Hywel Dda University Health Board (HDUHB) and the CSSIW. Underpinning this is the concept of working together and sharing information so that early and effective action can be taken on a multi agency basis as soon as considered necessary.

3 The collation and analysis of intelligence of the social care sector. During the past 10-15 years, the Authority has obtained a vast amount of data about the sector that has enabled it to understand the key characteristics of the sector. This enables the Authority to work effectively e.g. by providing a comprehensive training programme to the social care sector based on its analysis of the sector and working with the Authority's Learning and Development team.

In actual **operational terms**, the Authority has established a number of facets to its contract management and contract monitoring arrangements for the purposes of assuring it that services provided to service users and carers are safe and reliable.

- A collaborative, effective, sophisticated and well developed multi agency network of professionals, including care providers, committed to working together to identify and share issues in order that matters can be resolved at the earliest possible stage to avoid escalation. This runs to the heart of the philosophy of the commissioning service working in an open and supportive manner with care providers
- Two provider performance monitoring groups that meet bi monthly: one for the older person's care sector and another for the learning disabled and mental health care sector. These are a multi agency representative groups where information is shared about any issue of concern and allows for early identification and intervention
- Effective contract monitoring to respond to any issues of concern
- Contract monitoring programmes that pro actively monitor and review care providers' compliance with the Authority's contracts, and will advise as necessary
- A well defined and established contract management programme where officers of the Authority meet with each and every care provider for domiciliary care and third sector provision to discuss issues of performance and quality

It can be noted at this point that the CSSIW as the external body responsible for evaluating the Authority has continuously commented very favourably about the Authority's "effective" and "robust" commissioning and contracting arrangements in connection with assuring the Authority of its approach to care providers in providing safe, reliable services.

Notwithstanding the above, the Authority has over the said period intervened and used its powers to enforce its contract and apply the statutory guidance *Escalating Concerns*. The Authority has terminated its Contract with care homes that have failed after considerable assistance and support to address failings. Equally, the Authority has also suspended care home placements or care packages as necessary. These measures are considered in a reasonable and proportionate manner, often with legal advice, and always with the approval of the Director. Clear accountability is provided through the Authority's processes.

Attached to assist the Committee on the Authority's procedures are the two following documents:

- *Provider Performance Monitoring Protocol* (2011). This was approved at the Carmarthenshire Adult Safeguarding Board.
- *Quality & Performance Monitoring Protocol: domiciliary care and supported living* (2013) This was a supplementary document to enhance the above Protocol for the purposes of managing the domiciliary care and supported living sector.

NB: These documents are currently **under revision** in order that the Authority can agree a regional quality assurance framework with Ceredigion County Council, Pembrokeshire County Council and HDUHB.

Supplementary Note: Operation Jasmine Action Plan

Operation Jasmine was an investigation into the neglect of older people in several care homes in the Gwent region. It led to a serious case review being commissioned by the First Minister of the Welsh government. On 14 July 2015, the Review, *In Search of Accountability: A review of the neglect of older people living in care homes investigated as Operation Jasmine.* was published by the First Minister.

In September 2015, each of the Regional Safeguarding Boards in Wales was asked by the Minister for Health and Social Services to consider the Review and to set out its findings in the form of a written response. The form of the response was for each Board to determine and each was asked for it to address the key lessons from the Review and the action that the Board will be taking as a result.

The Chair of the Board responded to the Minister providing a detailed position statement on how the Regional Safeguarding Adults Board will meet its obligations arising from the Review.

The letter proposed that an Action Plan be developed by 30 April 2016 for ratification and approval at both the Regional Safeguarding Adults Board and the local operational group for safeguarding adults. A small regional working party would be convened to prepare the Action Plan.

Attached is the current Action Plan for both West Wales (the three local authorities and HDUHB) and Powys that is submitted to each Authority's Local Operational Group for adult safeguarding. For purposes of accountability and governance, the Action Plan is reviewed and updated each quarter at both the Local operational groups before submission to the Regional Safeguarding Board.

Summary

Carmarthenshire has a history of:

- Clear and explicit standards of contract and contract enforcement
- Regular and systematic monitoring of care providers
- Close working relationships with Inspectors and officers of the CSSIW and HDUHB respectively coupled with the open exchange of information
- Mature and respectful relationships with care providers

These elements have been combined to form an effective quality assurance system that provides certainty and confidence for the benefit of service users, carers and the community. Issues of concern have and will continue to arise. However, the experience of the Authority's systems as noted above has enabled it to provide a degree of reasonable confidence in the standards of service that are provided to the citizens of Carmarthenshire.

DETAILED REPORT ATTACHED?

NO - Attached –

- **Provider Performance Monitoring Protocol**
- **Quality & Performance Monitoring Domiciliary Care and Supported Living**
- **Operation Jasmine Action Plan for West Wales and Powys**

IMPLICATIONS

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	People Management & Performance	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Chris Harrison Head of Strategic Joint Commissioning

1. Scrutiny Committee - N/A
2. Local Member(s) - N/A
3. Community / Town Council - N/A
4. Relevant Partners - N/A
5. Staff Side Representatives and other Organisations - N/A

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection