



# Agenda Item Introduction

Committee	<b>POLICY AND SCRUTINY COMMITTEE FOR HEALTH AND SOCIAL CARE</b>
Date	<b>5 JUNE 2023</b>
Topic	<b>ADULT SOCIAL CARE REFORM AND ASSURANCE</b>

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## BACKGROUND

The Health and Care Act 2022 puts Care Quality Commission (CQC) assessment of local authorities on a statutory footing. This creates a new duty for the CQC to review local authorities' performance in discharging their adult social care functions under the Care Act 2014. This new duty came into effect from April 2023.

The CQC have published their interim framework, which outlines how the CQC will assess the way in which local authorities will discharge their statutory duties. The committee is to receive an overview of the arrangements and preparation of our Adult Social Care and Housing Needs Department for the new CQC inspection framework.

The committee is to receive the paper that went to Cabinet on 11 May 2023. A more detailed informal briefing is due to take place on 10 July 2023.

## FOCUS FOR SCRUTINY

To ensure the Council is best placed to achieve a positive outcome from any review of the Council's adult social care services.

## APPROACH

Cabinet paper to be provided.

## APPENDICES ATTACHED

Report to Cabinet on 11 May 2023 "Adult Social Care Assurance Framework"

Appendix 1 - Presentation shared with leadership on key themes (with high level coms)

Appendix 2 - Work in progress, self-assessment

Appendix 3 - High level action plan dates, outlining key opportunities that are planned to address any gaps identified in the self-assessment

Contact Point: Melanie White, Scrutiny Officer, ☎ 821000 ext 8876  
e-mail [melanie.white@iow.gov.uk](mailto:melanie.white@iow.gov.uk)



# Cabinet Report

Date	<b>11 MAY 2023</b>
Title	<b>ADULT SOCIAL CARE ASSURANCE FRAMEWORK</b>
Report of	<b>CABINET MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH</b>

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## EXECUTIVE SUMMARY

1. At the behest of Central Government, the Care Quality Commission (CQC) are introducing a new inspection framework for 'assurance' for all Local Authority adult social care departments on and from 1<sup>st</sup> April 2023. The CQC have published their interim framework, which outlines how the CQC will assess the way in which local authorities will discharge their statutory duties under Part 1 of The Care Act (2014)
2. There are four key themes:
  1. How local authorities work with people
  2. How local authorities provide support
  3. How local authorities ensure safety within the system
  4. Leadership
3. Those residents who are supported by Adult Social Care will be impacted with the outcome of the assurance. There will be opportunities for residents to have their say and work in coproduction with the department to evidence the level of service delivery and engagement within the four key themes.
4. This report sets out the arrangements of our Adult Social Care and Housing Needs Department for the CQC inspection framework, for Cabinet's consideration.
5. The Cabinet is asked to consider the information provided in this report and agree to the recommendations made.

## RECOMMENDATION

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| <ol style="list-style-type: none"><li>6. That the introduction of the Care Quality Commission's new inspection framework be noted and that Cabinet and senior staff fully appraise themselves and promote the direction of assurance, supporting Adult Social Care and Housing Needs to showcase the positive and reflective impact it has on residents. Strategic and partner support is required to support the oversight and impact of assurance.</li></ol> |
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## BACKGROUND

7. There is a new CQC assurance framework for all local authority adult social care departments from 1<sup>st</sup> April 2023. The CQC have published, on 27 February 2023, an interim framework and self-assessment guide for local authorities to benchmark their practice.
8. The CQC will review, assess and report its findings in relation to local authority adult social care following an inspection type visit. These assurance inspections will specifically focus on how well the local authority is meeting its duties under Part One of the Care Act 2014.
9. The CQC will focus on four key themes:
  1. How local authorities work with people
  2. How local authorities provide support
  3. How local authorities ensure safety within the system
  4. Leadership
10. From 1<sup>st</sup> April 2023, the CQC will start to review data and published documentary evidence across all local authorities, they will focus on two quality statements:
  1. Care provision, integration and continuity (theme 2A)
  2. Assessing needs (theme 1A).
11. Access to care and support, commissioning, market shaping, workforce and personalisation will also be key areas of focus for the inspectors.
12. The CQC have indicated that they will start pilot assessments from April 2023 and intend to focus on 5 local authorities between April 2023 and September 2023. The intention is to start formal assessments from September 2023 to December 2023 (up to a further 20 local authorities). The CQC intend to discuss with local authorities how they will rate individual Adult Social Care departments and how they will publish their findings.
13. In readiness for assurance, the Isle of Wight Council's Adult Social Care and Housing Needs department will be hosting a Local Government Association (LGA) peer inspection to consolidate the rationale and reflections within our self-assessment in July 2023.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

14. The Corporate Plan 2021 – 2025 addresses key aspirations for the Alliance administration, those aspirations provide focus for the CQC to demonstrate the quality of support ASC provide for the constituents, specifically:
  1. Place the health and wellbeing of residents at the centre of all we do
  2. Support the restoration of mental health support services and treat mental health support as a priority across all areas of the council
  3. Recognise the contribution made by unpaid carers to the island community by providing information and support
  4. Review the care close to home strategy, promoting, improving and protecting wellbeing and continuing to increase the numbers of people we support in their own homes

5. Drive forward integration with health, putting in place the right governance, commissioning and delivery arrangements so that we secure care closer to home
  6. Continue to drive improvements in adult safeguarding practice, embedding **making safeguarding personal** and ensuring a high quality and consistent approach across the council and its partners
15. Each of these areas supports the implementation of the assurance and information collated for each theme will focus on supporting the corporate plan.

#### Responding to climate change and enhancing the biosphere

16. Having reviewed the Councils Climate and Environmental Strategy, it is deemed that the impact is low. Some of the inspectors will attend virtually and work in the background of Adult Social Care, whereas a small cohort of inspectors will attend the Island to physically talk to professionals and observe practice.

Advice sought from Climate Change and Delivery Manager, Climate Change and Biosphere on 05/04/23

#### Impact on Young People and Future Generations

17. The CQC assurance will impact Young People and Future Generations, particularly those young people in transitions and leaving care. The assurance will affect future generations of those who as adults require a service from Adult Social Care. As part of assurance, we are continuing to focus on our coproduction activities to ensure that the views and opinions of those who use Adult Social Care on our Island are including. Our co-production activity includes you people in transition between Adult Social Care and Childrens Services.

Advice sought from Service Manager, Strategic Development and Commissioning, Childrens Services on 06/04/23

### CONSULTATION

18. The CQC self-assessment has been developed by the Council and we have ensured that robust processes are in place to provide evidence for each of the areas that are required. This is ensured by submission of reflective consultation with staff from across the department and key agencies.
19. As part of the review process and collation of documentation, extensive stakeholder engagement is being undertaken to identify evidence and provide structure to gather reflections on our practice. Likewise, a comprehensive communication plan, linked with the coproduction activity is in place to ensure intelligence from within our local the community is also gathered.
20. The CQC will, as part of their inspection, speak with staff, Councillors, key stakeholders and, most importantly, people who draw on our care and support offer.
21. Recognising the importance of ongoing consultation and collaboration the Adult Social Care (ASC) Stakeholder Board has been established. Chaired by the Director of Adult Social Care and Housing Needs the board is attended by senior representatives from both the local NHS Trust and the Integrated Care Board, The

Councils Chief Executive, The Leader, Cabinet Member for Adult Social Care, Chair of the Policy and Scrutiny Committee for Health and Social Care, Independent Sector Provider Representatives, Voluntary Sector representatives, Healthwatch IW, Carers IW and staff representatives. Work is underway to ensure that representatives from our local community with Lived Experience are also part of the Board moving forward. The Board enables stakeholders to be engaged in the development of ASC and in key decision making. Routinely briefed on the departments progress in relation to all Adult Social Care reforms the Board provides the opportunity to share key messages, communication and escalations. Providing a forum for focused discussion and collaboration.

## SCRUTINY COMMITTEE

22. The subject of this report is on the agenda for the Health and Social Care scrutiny meeting, this is confirmed for 10<sup>th</sup> July 2023.

## FINANCIAL / BUDGET IMPLICATIONS

23. Financial and budget implications is unknown. The assurance outcome could dictate or suggest ways to reflect or improve services. Therefore, depending on the outcome of the CQC inspection, there could be budgetary implications if services are required to be delivered differently.

## LEGAL IMPLICATIONS

24. The CQC inspection framework is delivered by the Care Quality Commission, which is an executive non-departmental public body, sponsored by the Department of Health and Social Care. The outcome of assurance could determine legal implications for the authority but is unknown until the inspection is concluded and reported.
25. Each Local Authority will be inspected by the Care Quality Commission which is mandated and not optional. The Health and Care Act 2008 established the Care Quality Commission as the regulator of all health and adult social care services as a single Act of Parliament. The Care Quality Commission has the power to place Adult Social Care in special measures if we do not meet standards.
26. Our duties under the Care Act include ensuring that people who live on the Isle of Wight:
1. Receive services that prevent their care needs from becoming more serious, or delay the impact of their needs
  2. Can get the information and advice they need to make good decisions about care and support
  3. Co-operation with partner agencies, including the Care Quality Commission
27. The Care Act 2014 aims to modernise adult social care law, it covers three main parts:
1. Reform of adult social care
  2. Improving care standards
  3. Establishing Health Education England and the Health Research Authority

28. Part one (reform of adult social care) covers a number of areas:
1. wellbeing principle
  2. assessment of needs and defining eligible need
  3. charging and the cap on care costs
  4. paying for care
  5. safeguarding
  6. provider failure
  7. transition for children to adult services
29. Enshrined in the reform is the introduction of assurance, conducting thematic reviews, regardless of whether there is a failure.

### EQUALITY AND DIVERSITY

30. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
31. The review of the CQC assurance will include equality impact assessments. These will determine how a service promotes equality and diversity to ensure legal compliance in how the services we provide and the decisions we make meet the needs of our local community under our equality and diversity duties.

### OPTIONS

32. Option 1 – to support:  
Consideration and support for ASC to promote assurance, in line with statutory duties and support the approach proposed to meet the requirements of the new inspection framework.
33. Option 2 – to not support:  
Consideration not to support ASC to deliver and promote assurance.

### RISK MANAGEMENT

34. The main risk identified is the reputational risk to not only Adult Social Care but also to the Council as a whole, if the outcome of the inspection isn't as positive as is expected. This risk is mitigated by communication and robust assurance and governance to ensure we showcase the positive, collective good practice.
35. A risk register has been developed to support the preparation for assurance and it is regularly reviewed by senior leaders within the department as part of our Programme Board. As the project continues any risks identified will be escalated to Programme Board (and Leadership and Director) for mitigation.
36. There is a compliance risk if we do not provide assurance to the CQCs framework, this would manifest as reputational risk and poor performance against statutory duties.

## EVALUATION

37. The CQC have set out their interim framework to assess and assure Adult Social Care across the country. They intend to begin assurance from 1<sup>st</sup> April 2023. Adult Social Care are preparing for assurance by updating and completing a self-assessment, to ensure that we are showing the best possible view of our department. Cabinet oversight and support is required, to understand, communicate and promote a realistic view of Adult Social Care and Housing Needs on the Isle of Wight.

## APPENDICES ATTACHED

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Contact Point: Ian Thompson, Programme Manager, Practice Development, Workforce and Assurance, ☎ 821000 ext 6859 e-mail [ian.thompson@iow.gov.uk](mailto:ian.thompson@iow.gov.uk)

LAURA GAUDION

*Director of Adult Social Care and Housing  
Needs*

(CLLR) KARL LOVE

*Cabinet Member for Adult Social Care and  
Public Health*