

	<p align="center">Community and Wellbeing Scrutiny Committee 30 January 2024</p>
	<p align="center">Report from the Corporate Director of Care, Health and Wellbeing</p>
	<p align="center">Cabinet Member for Public Health and Adult Social Care – Councillor Neil Nerva</p>
<p align="center">Update on Preparations for CQC Local Authority Assurance</p>	

Wards Affected:	All
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
List of Appendices:	<p>Appendix 1 - CQC Single Assessment Framework domains and quality statements</p> <p>Appendix 2 - CQC Assurance pilot site reports - https://www.cqc.org.uk/care-services/local-authority-assessment-reports</p> <p>Appendix 3 - DHSC Adult Social Care intervention flowchart – see link at end of document</p> <p>Appendix 4 - Brent Adult Social Care Annual Report 2022/2023 Presentation</p>
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	<p>Claudia Brown Director of Adult Social Care Claudia.Brown@brent.gov.uk</p>

1.0 Executive Summary

- 1.1 This paper is intended to update the Community Wellbeing Scrutiny Committee on the Council's preparations for inspection by the Care Quality Commission (CQC).
- 1.2 Legislative changes mean that local authorities, including adult social care services, are being inspected by the CQC for the first time in over a decade. The CQC will rate the extent to which it feels Brent Council is fulfilling its statutory duties. For the Adult Social Care (ASC) Directorate this primarily constitutes Part 1 of the Care Act 2014.

- 1.3 The CQC has continued to share information on its inspection approach since March 2023, including an updated framework, a programme of pilots, a review of data and documentation across England, and new timelines that have pushed dates for the first tranche of inspections back.
- 1.4 The CQC has introduced a new Single Assessment Framework (SAF) against which the Local Authority, and all other health and care organisations in England, will be assessed. If Local Authorities are found to be performing poorly and fail to address concerns, the CQC has developed an Intervention Framework that will come into effect.
- 1.5 Adult Social Care has developed a comprehensive CQC assurance preparation approach aimed both at ensuring the Directorate is in the best possible position in case of inspection in the short term, and at embedding a dynamic self-assessment and assurance process as business as usual in the Directorate.
- 1.6 CQC assurance preparation work has and will continue to inform the Directorate's refreshed 'Promoting Independence' Transformation Programme.
- 1.7 CQC assurance preparation has already highlighted positive outcomes in some areas and others where improvement plans need to be developed and actioned.
- 1.8 As more information around the CQC's assurance process is shared, our understanding of which senior leaders, members, and teams are likely to be involved when the Council is inspected, as set out in further detail in Section 3.3.7.

2.0 Recommendation(s)

- 2.1 To note the progress on preparing for inspection, and the continued work to integrate CQC preparation work, improvement action, and transformation work within the ASC Directorate.
- 2.2 To consider using the CQC domains and quality statements in setting the committee's work plan, ensuring a clear golden thread between overview and scrutiny and the assurance framework for adult social care items.
- 2.3 To recommend any improvements based on any identified gaps or areas needing enhancement.

3.0 Detail

This report relates to the Borough Plan Priority – A Healthier Brent.

3.1 Context on the Care Act 2014 and CQC assessment

3.1.1 The statutory duties of Adult Social Care Services are set out in Part 1 of the Care Act 2014. It places a duty on councils to support and promote the wellbeing and independence of working age disabled adults and older people, and their unpaid carers and gives them more control of their care and support.

3.1.2 CQC annual assessments of local authorities were abolished by the government in 2010, and as such the CQC stopped carrying out inspections of adult social care services, which then focused primarily on adult safeguarding. After 2010, local authorities like Brent participated in 'sector-led improvement'. This was typically carried out on a regional basis and involved teams of council practitioners and managers conducting peer reviews of other local authorities.

3.1.3 'People at the Heart of Care' white paper, published in December 2021, detailed proposed reforms to Adult Social Care and health and social care more broadly, with a particular focus on integration of health and care services.

3.1.4 The subsequent Health and Care Act 2022 placed a duty on the Care Quality Commission (CQC) to assess local authorities' delivery of their adult social care functions under part 1 of the Care Act 2014. It also gave the Secretary of State power to intervene in failing local authorities, more information on which is set out in Section 3.5.

3.2 CQC Single Assessment Framework (SAF)

3.2.1 In response to the Health and Care Act 2022, the CQC introduced a new 'Single Assessment Framework' (SAF) in July 2022. The SAF unifies assessment approaches for all health and care organisations in England to make assessment simpler, more dynamic, and more evidence led. This includes care providers, whether run by local authorities or private and third sector providers, who have been continually assessed by the CQC since 2010.

3.2.2 The SAF maintains some aspects of previous CQC assessment frameworks (which were of course not applicable to local authorities) including rating health and care organisations based on their quality, from outstanding to inadequate, and the five key questions; whether health and care organisations safe, effective, caring, responsive to people's needs, and well-led.

3.2.3 The SAF replaces the old key lines of enquiry (KLOEs) and prompts with nine new 'quality statements' organised into four 'domains' (see Appendix 1). These are referred to as 'we statements' as they're written from the perspective of the organisation being assessed. They draw on previous work

developed with Think Local Act Personal (TLAP), National Voices and the Coalition for Collaborative Care on Making it Real.

- 3.2.4 The SAF also aims to improve consistency of assessment by highlighting six categories of evidence inspectors will collect; people's experiences, feedback from staff and leaders, observations of care, feedback from partners, processes, and outcomes of care.

3.3 Updates on CQC inspection process since March 2023

- 3.3.1 In April 2023 the legislative changes set out in Section 3.1 went live and the CQC's statutory duty to assess Local Authorities came into effect.
- 3.3.2 In April 2023 the CQC began reviewing publicly available data (e.g., Adult Social Care Outcome Framework (ASCOF) scores, Short and Long-Term Data Returns (SALT returns), etc.) and documentary evidence for all local authorities. They described this as their first step towards developing judgements for individual local authorities and provide data for benchmarking, though evidence is intended to be published at a national level rather than for individual local authorities.
- 3.3.3 In June 2023 the Local Government Association (LGA) published their two-part 'Getting Ready for Assurance' guidance, including a three-stage self-assessment template that has formed the basis of our self-assessment process as set out in Section 3.8. This guidance was based on an updated version of the CQC's Assessment Framework.
- 3.3.4 In August 2023 the CQC announced a change to the inspection timeline. The initial intention was that (1) all 153 council adult social care services will be assessed once during a two-year period due to start in September 2023, and (2) twenty assessments would be carried out between September and December 2023 before the full roll out in 2024. An update from the CQC's website in August stated, 'We're constantly evaluating our approach throughout the pilots. We will incorporate any learning into our formal assessments which will start later this year, rather than in September as previously planned.' Therefore, suggests a further delay to full inspection of England's 153 adult social care services.
- 3.3.5 In November 2023 the CQC published outcomes from its five 'pilot' sites, with four achieving a 'Good' rating and one a 'Requires Improvement' rating (see Appendix 2). Reports from these pilots will feed into the CQC assurance preparation approach in Brent.
- 3.3.6 CQC ADASS and LGA guidance, combined with conversations with colleagues in other Councils, and the publication of reports from the assurance of the five pilot sites have together given us a sense of those individuals and teams in the Council that we already know will participate directly in the CQC assurance process:

- Members:

- Council leader
- Overview and scrutiny committee
- Council adult social care portfolio holder
- Corporate leadership:
 - Chief executive
- Council teams outside of the Care, Health and Well Being Directorate:
 - Legal
 - Financial
 - Teams that work closely with Care, Health, and Wellbeing services – This includes Out-of-hours Duty Teams, Housing, Brent Customer Services, and Children’s Services. These conversations could include leaders, managers and/or frontline staff.
- Directorate leadership:
 - Director of adult social services
 - Director of public health
 - Principal social worker (PSW) – The PSW will be engaged with extensively on the quality of practice in Adult Social Care.
 - Principal occupational therapist
- Service managers, team managers, and frontline staff:
 - All managers and frontline staff – There will be extensive engagement focused mainly on frontline staff, starting with areas that inspectors have identified for further investigation as part of their initial pre-inspection review of public datasets.
 - Staff directly involved in cases audited – Staff directly involved in the sample of cases picked for deep-dive audit will be engaged directly on the content of those cases.

3.4 Context on new oversight and intervention powers

- 3.4.1 The Health and Care Act 2022 gives the CQC new oversight powers as part of the inspection process, and a duty to conduct reviews and performance assessments of adult social care providers in Section 46 of the Health and Care Act 2008 and the power to conduct a special review when requested by the Government under Section 48. The CQC also has a duty to inform the DHSC in cases where it believes Local Authorities are failing to meet their statutory duties, and the Health and Care Act 2022 allows the DHSC to intervene in such Local Authorities.
- 3.4.2 In cases where the CQC finds failings but does not consider them substantial enough to merit special intervention, it may instead choose to give notice to the Local Authority about what it considers it is failing to do and the actions CQC decides should be taken to remedy these failings and a time frame within which the CQC thinks the action should be taken. CQC must notify the Government that it has taken such action.
- 3.4.3 In cases where the CQC escalates concerns to the DHSC, and the Secretary of State for Health and Social Care is satisfied that local authorities have failed or are failing to discharge Care Act 2014 functions to an acceptable standard, the DHSC must intervene. In addition to the duty to inform, the CQC

also has a statutory duty to recommend any special measures it considers the Secretary of State should take.

3.5 Updates on new oversight and intervention approaches

- 3.5.1 In August 2023 the DHSC published a full 'Operational Framework for adult social care intervention in local authorities' designed to 'provide local authorities in England with information on the DHSC's approach to enhanced monitoring and support, and statutory intervention in adult social care.' It has been developed with input from the LGA, Association of Directors of Adult Social Services (ADASS), the CQC, and other government departments.
- 3.5.2 The new Operational Framework confirms that intervention 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 forms of support are insufficient to drive improvement.'
- 3.5.3 According to the new Framework, the decision to intervene will be based on (1) a judgement by the Secretary of State of all available information, and (2) considered engagement with authorities to understand their capacity, capability, and commitment to lead their own improvement.
- 3.5.4 The framework sets out a clear process for support and intervention set out in the flowchart in Appendix 3.
- 3.5.5 The DHSC sets out its offer for supporting improvement in Adult Social Care services where there are concerns. This includes regional sector-led improvement, the Partners in Health and Care programme delivered by the LGA and ADASS, and best practice from the Social Care Institute for Excellence (SCIE) and Think Local Act Personal (TLAP).
- 3.5.6 In cases where the above support does not lead to improvements, DHSC will move to an enhanced monitoring and support approach. In these circumstances, DHSC may appoint an improvement adviser to work with an authority. The improvement adviser will provide support, guidance, and challenge to the authority to develop and deliver a robust improvement plan. DHSC will generally fund the appointment.
- 3.5.7 Once a local authority has been given a reasonable period to improve, the Secretary of State will either lift or scale back enhanced monitoring and support or escalate to statutory intervention.
- 3.5.8 If the Secretary of State decides statutory intervention is appropriate, the Framework sets out requirements for local authorities to implement any plans or directions the Secretary of State deems necessary.
- 3.5.9 The authority under intervention will be directed to provide all resources and support required by a commissioner to carry out their role.

3.6 Readiness for CQC Inspection of Adult Social Services

- 3.6.1 Preparation for inspection began when Brent completed an ASC risk awareness self-assessment tool in January 2022. This tool was originally developed in 2015 by the Towards Excellence in Adult Social Care (TEASC) but was further developed based on feedback from councils in ADASS regions.
- 3.6.2 A range of specific actions were put in place, including the development of a renewed and joined up focus on Carers bringing together the re-commissioning of carers services with a new Carers Strategy, a renewed audit programme, which reports quarterly from October 2022, the high-risk panel and a formal case audit process. We have also updated our practice week activities to incorporate senior managers practical participation in supporting, observing, and monitoring the standard and quality of service delivery across ASC.
- 3.6.3 ASC has set up a program board to deliver the Adult Social Care transformation agenda in a structured way over the next 2 years.
- 3.6.4 The Directorate has since developed and started delivering a more comprehensive CQC assurance preparation approach aimed at:
- Ensuring the Directorate is ready for potential CQC inspection by carrying out a self-assessment against the four domains, gathering as much evidence as possible for good practice, identifying areas for improvement, and ensuring there are plans in place to address those concerns.
 - Embedding assurance into the Directorate's 'business as usual', with dedicated resource and a dynamic, structured approach to maintaining a clear view of the Directorate's performance against the SAF and driving improvement where needed.

3.7 Progress to-date

- 3.7.1 The Directorate has made significant progress in its assurance preparation work, including but not limited to:
- Self-assessment:
 - Performance & Outcomes: Generated a 'data pack'.
 - The collection of evidence.
 - Internal Communications and External Communications:
 - Stakeholder and ward member consultation and engagement

3.8 Linking CQC assurance preparation to our Transformation Programme

- 3.8.1 The Directorate has recently refreshed its improvement and transformation priorities and projects, with a new focus on 'Promoting Independence'.
- 3.8.2 The new Promoting Independence Programme includes improvement projects and workstreams which aim to embed best practice to address the

Directorate's duties under the Care Act 2014. Project initiation documents set out how each project contributes to realising each of the CQC's nine quality statements to ensure the service remains focused on meeting its statutory duties as well as possible. The Transformation Programme includes projects specific to service areas such as strengthening LD and MH transitions pathways, or developing the Reablement and Prevention offer, as well as Directorate-wide initiatives such as re-designing the MOSAIC case management IT system and embedding strong performance and insight reporting processes.

3.8.3 Issues identified as part of the self-assessment process directly informed the actions associated with the Transformation Programme's projects.

3.8.4 The Transformation Programme's activities will also provide input into the CQC assurance preparation process, particularly in terms of developing an evidence database and maintaining the Issues and Improvement log, on a continuous basis.

4.0 Local Account

4.1 The Local account provides an in-depth insight into the delivery of social care services. This report offers a comprehensive overview of the performance, challenges, and improvements within adult social care.

4.2 During CQC inspections, these accounts serve as valuable references, offering contextual information and local perspectives that complement the CQC's own assessments. They help inspectors gain a deeper understanding of the unique dynamics, needs, and successes of adult social care services in a given locality, contributing to a more holistic evaluation and aiding in the identification of areas that may require further attention or support.

4.3 The 2022-2023 Local Account highlights the range of positive work the Department delivered in 2022/23, this can be viewed in appendix 4.

5.0 Financial Considerations

5.1 There are no direct financial or budgetary implications associated with the changes and work set out in this report.

6.0 Legal Considerations

6.1 If the Council is not meeting its statutory duties as set out in the Care Act 2014 and is rated inadequate by the CQC, it may be subject to intervention by the Secretary of State.

7.0 Equality, Diversity & Inclusion (EDI) Considerations

7.1 One of the CQC's nine quality statements relates to equalities, both in terms of equality of access to, experience of, and outcomes from services delivered and commissioned by Adult Social Care, and in terms of the social care

workforce. The self-assessment process will evaluate the Council's performance against CQC guidance and feed any areas of concern into the Directorate's refreshed Transformation Programme.

8.0 Climate Change and Environmental Considerations

8.1 These proposals have no direct impact on the Council's environmental objectives and climate emergency strategy.

9.0 Communication Considerations

9.1 The CQC internal and external communications projects set out future activities for informing, consulting and engaging staff, members, services users, carers, providers, and health partners around the CQC assurance process, self-assessment themes and related improvement activities. These activities include:

- **Briefings:** Regular updates in existing forums (internal and external) to keep stakeholders informed on our assurance preparation process, self-assessment narrative and transformation work, and to seek feedback.
- **Resource packs:** Resource packs have been developed for managers, leaders, and members. These will include key messaging around CQC tailored to different audiences, as well as ready-made CQC comms resources (including flyers and digital assets) for distribution and discussion at briefings, team meetings and consultations with residents.
- **Communications assets:** Development of digital newsletter spotlights (including internal newsletters and the resident magazine) to provide updates on CQC. Posters and flyers for distribution in the Brent Civic Centre and at community events providing key information around CQC.

Appendix 3 Link - DHSC Adult Social Care intervention flowchart:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192151/Indicative-flowchart-1.svg

Report Sign-Off:

Rachel Crossley

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