

## **PROTOCOL FOR AGREEMENT OF SERVICE PROVIDER WHERE CQC RATINGS FALL BELOW “GOOD”**

Providers of social care services within Bromley should have a CQC/Ofsted rating of “Good” or above. This standard has been set by the Portfolio Holder for Social Care services.

### **1. Children’s Social Care Services**

- i. In respect of Children’s Social Care (CSC), where all placement provision is purchased on a spot purchase basis, the responsibility for decision making on the use of providers has rested with the Head of Service (HOS), Placements & Brokerage (P&B), where there is a long standing policy of not using services where the Ofsted rating fell below Good.
- ii. However not all services are regulated by Ofsted (16+ semi-independent) and for this class of provision, the Placements Team and Contract Compliance officer operate local checking processes, including:
  - a. Health & Safety checks
  - b. HMO registrations (where applicable)
  - c. Staffing DBS clearances and safe recruitment policies
  - d. Referencing and
  - e. Site visits.
- iii. The final decision on the use of the provider is made by the HoS P&B and in liaison with senior managers within Children’s Social Care. [Where teams within CSC division are commissioning services directly they complete their own checking and approval processes].

### **2. Adult Social Care Services**

#### **Roles & Responsibilities**

- i. The Contract Compliance team sitting within Corporate Commissioning & Procurement Division are responsible for development of the QAF, the inclusion of providers to the frameworks, issuing of contracts (spot) for care home and domcare providers following a range of checks, regulatory, financial and site visits and the ongoing monitoring and evaluation of same\*. The Contract Compliance team monitors all safeguarding alerts through Carefirst to ensure they have up to date information.
- ii. The Safeguarding and Quality Assurance team in the Support Services division of ECHS retain the responsibility for the Commissioned Services Intelligence Group (CSIG) process, recording and sharing multi-agency intelligence around care service delivery in Bromley for Adult Social Care. This group meets regularly to share information on providers that are of concern and to undertake design and monitoring of remedial action plans.
- iii. The Central Placements team are responsible for the placement of individual clients with both spot and block contracted providers (care home and domiciliary care) and as such have a duty of care to ensure that the provision they commission and broker is safe, caring and able to meet the needs of the client. This carries a significant responsibility not only for the individual

placement officers but also for the team leaders and Head of Service (HoS).

- iv. The contracting and block procurement of service providers is however undertaken by the Programme Design team in ECHS and Corporate Procurement with the responsibility for ongoing contract management lying with the Programme Delivery team in ECHS.

Therefore at the point of placement:

- a. the responsibility for checking the quality of the placement identified for an individual lies with the Placements Team,
- b. the availability of the providers is determined by the Commissioning /Procurement team,
- c. the acceptance of the standards of service is determined by the Contract Compliance team, and
- d. the Director of Adult Social Services (DASS) accepts ultimate responsibility for the quality and safety of the care provision offered to the residents of Bromley.

It would seem appropriate that, irrespective of the actual service, the role of the decision maker needs to be reviewed and a protocol for the determination of provider acceptance to be clarified for reasons of both practicality and consistency. Therefore the following is proposed:

### 3. Block Contracts

- i. The Programme Design and Procurement teams make a standard of 'Good or above' as a requirement of each and every service specification. This will determine that no service provider falling below the Bromley standard is contracted at the point of initial procurement.
  - a. Evaluation of the quality of the service will be undertaken as part of the procurement process
  - b. The role for monitoring the quality of the service providers lies with the Contract Compliance team, with intelligence from the multi-agency CSIG, if the provider is based within the boundaries of Bromley.
  - c. The decision for continuation of new placements with the provider will be made by the **DASS** following information and evidence from operational and strategic service leads, if standards fall below Good+ during the lifetime of the contract.
- ii. The **DASS** will make the required decision on action to be taken for individual service users already placed with a provider where the Regulator or Compliance team identify either
  - a. Short term concerns, or
  - b. Recommend suspension of placements due to safeguarding, or
  - c. An Inspection rating below 'Good' is published.

**The decision will be made** following evaluation of the information and guidance from the contract compliance team and the Care Quality Commission (CQC) report (where relevant), information from care service reviews and in line with professional standards and guidance. In the absence of the DASS (e.g. for planned leave) the responsibility for the decision will be delegated to the Head of Assessment & Care Management.

#### 4. Spot Purchase Contracts

- i. Where a residential provider who is not block contracted to the Authority is identified by the Placements team to meet the needs of an individual client, the checking of the compliance with standards, safety and care will be undertaken by the Placements team at the point of selection for the client. The standard of a CQC rating of Good or above will be the baseline standard applied wherever possible.
- ii. The contract for the service provider will be issued by the Contracts team and the ongoing monitoring and evaluation of the service will be undertaken by the Contract Compliance team, with input from the CSIG (where applicable), if the provider is based within the boundaries of Bromley. Where the provider sits outside the boundaries of Bromley, the Contract Compliance team will liaise with the host authority (where resources allow) and Bromley care services staff will undertake client reviews, to ensure that the provider is completing action plans.
- iii. Identification of a failure of the provider to maintain standards will be shared with care management and the Placement team by the Contract Compliance team, and:

The decision for continued placement with the provider will be made by the **DASS**.
- iv. The decision on action to be taken for individual service users already placed with a provider where the Regulator (or Compliance team) identify either short term concerns/suspension of placements/safeguarding or Inspection ratings below 'Good' will be made by the **DASS** following evaluation of the information and guidance from the contract compliance team and the CQC report (where relevant), information from care service reviews and in line with professional standards and guidance. In the absence of the DASS (eg for planned leave) the responsibility for the decision will be delegated to the Head of Assessment & Care Management.
- v. Where a provider achieves a CQC rating of "Requires Improvement", care management and the contract compliance team will continue to monitor and support the provider for a period of six months to identify improvements before any decision is made to move residents/clients in situ. Should additional safeguarding or care concerns be identified earlier an immediate review will be undertaken and the DASS advised accordingly for a decision on action by the Authority.
- vi. In order to ensure a consistent approach across the borough, information and decisions on care standards, concerns, safeguarding issues or suspension of placements will be shared with health colleagues through nominated staff in

the Health Service (see distribution list at end of this document).

## **5. Family Choice**

- i. Where the client/family selects a preferred provision for a placement and the grading of the home is below Good, the client/family will be informed in writing by the Placement Officer of the rating and the reasons, and that LBB could not recommend placing with the provider. Should the family continue to require the placement to proceed; the DASS agreement and the family request will be confirmed in writing and stored on the client's record in Carefirst.

## **6. Critical Provider**

- i. Where a provider critical to the sustainability of placements and the provider market within the borough of Bromley receives a rating of Requires Improvement, and the Contract Compliance team deem the provider to be taking insufficient remedial action, individual client based decisions will be made by the DASS on whether a referral for a placement can be made.
- ii. Where the Contract Compliance team believe that the provider is taking appropriate action to address any areas of concern, the DASS may make the decision to agree referrals can be made to the provider.

## **7. Domiciliary Care**

- i. The same principles apply to domiciliary care providers, whether they are on the framework or are spot providers. Where referrals to a domcare provider are suspended or existing clients are to be moved to a new provider, the decision on action to be taken may be made in consultation with the service user who if they wish to remain with the same agency may be offered Direct Payments so they can commission services directly with the provider.

## **8. Agreement to resume Placements with Providers rated Requires Improvement**

- I Where a provider rated requires improvement by CQC has completed the action plan requirements set out by CQC and by the Council's contract compliance team there may be a time gap before CQC re-visit in order to inspect the service again. In these circumstances the Contract Compliance Team may make a recommendation that placements are resumed, having taken into account the views of all other service divisions and relevant partner agencies. The decision to resume placements is made by the DASS and recorded, (see Appendix 2)

**Stephen John, Director Adult Social Services**

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## **Distribution List for Communications on Use of Providers**

Stephen John, Director of Adult Social Services, LBB

Ruth Wood, Head of Service, Placements & Brokerage, LBB

Wendy Norman, Head of Contract Compliance and Monitoring LBB

Mike Taylor, Adult Placements Co-ordinator (CPT), LBB

Jamie Currie, Domiciliary Care Co-ordinator (CPT), LBB

Tricia Wennell, Head of Assessment & Care Management, LBB

Head of Adult Learning Disability Service, LBB

Head of Service, Strategic Safeguarding

Jodie Adkin, Associate Director - Discharge Commissioning, Urgent Care and Transfer of Care Bureau, LBB & CCG

Gill Holden, Head of Quality, Bromley CCG

Catherine Egan, Head of Continuing Health Care, Bromley CCG

Claire Lewin, Head Nurse Safeguarding Adults, Bromley CCG

Paul Sibun, Safeguarding Adults Manager, Bromley CCG

Morag Niven, Lead Nurse Vulnerable People and Transforming Care, Bromley CCG



**DASS AGREEMENT TO PLACE WITH REQUIRES IMPROVEMENT PROVIDERS**

PROVIDER	
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	DATE	COMMENTS
CQC REPORT DATE		CQC ratings in each area here + any breaches / enforcement action
CQC ACTION PLAN COMPLETED  Number of actions / confirmation that all complete.		
ANTICIPATED DATE OF NEXT CQC VISIT		
LBB QUALITY CHECKER VISIT		
LBB VISIT DATE		D scores on QAF here.
LBB ACTION PLAN COMPLETED		
ANY OUTSTANDING ISSUES		
LBB RAG RATING		
SAFEGUARDING ENQUIRIES STATUS		
OTHER CONSIDERATIONS/RECOMMENDATIONS  (EG – RESTRICTIONS OF SPEED OF NEW ADMISSIONS)  INFORMATION FROM CHC  CONCERNS FROM CSIG		
SIGNATURE OF DASS		