

**CARE QUALITY COMMISSION
(Report by the Head of Democratic & Central Services)**

1. INTRODUCTION

- 1.1 Members may recall that at the Overview and Scrutiny Panel (Social Well-Being) meeting in October 2009, Councillor R J West was appointed as the Panel's representative to meet with the Regional Manager of the local branch of the Care Quality Commission to discuss Members' concerns about the Commission's Enforcement Policy and how the Policy fits within the wider health service framework. In that light, a meeting was held on the 20th November 2009 and the purpose of this report therefore is to acquaint the Panel with the discussions that took place at that meeting.

2. CARE QUALITY COMMISSION: OUTCOME OF DISCUSSIONS

- 2.1 Ms Barbara Skinner, Regional Manager for the Care Quality Commission, opened the discussions by informing Councillor West that the Commission had been established as an independent regulator of health, mental health and adult social care in England, bringing together the work of the three Commissions for Social Care Inspection, Healthcare and Mental Health. In terms of the local context, Ms Skinner reported that the Eastern Region includes the Cambridgeshire and Peterborough local authority areas and that the local branch of the Commission comprises a team of five Area Managers, who are responsible for analysing the performance of provider services within their respective areas.
- 2.2 Under the new regulatory framework, all provider and commissioning authorities, such as Cambridgeshire County Council, and direct service providers, such as hospitals, independent care homes and healthcare clinics, will have to register with the Commission. Registration is intended to provide reassurance to the public that wherever they receive care or treatment, they can expect essential standards of quality care. The registration requirement currently only applies to Healthcare Trusts but, from September 2010, all independent care homes and healthcare clinics will transfer from their existing registration body to the Commission.
- 2.3 Ms Skinner reported that performance of care services is assessed according to the outcomes achieved by providers. Assessments take into account the experiences of patients, their families and carers who use the facilities. In response to questions, clarification has been received that the Commission is not responsible for assessing the financial management of services as this function is undertaken by the Audit Commission. The Care Quality Commission's interests lie solely in the quality of services provided to both public and private healthcare patients.
- 2.4 Ms Skinner informed Councillor West that the regulatory work undertaken by the Commission is primarily analytical and this analysis is used to assess providers against standards which are agreed at the time of registration. The

analysis is used to monitor trends in the data provided, make comparisons with both similar organisations and national indicators. Information used to assess providers is audited and protocols have been adopted to promote information sharing between relevant agencies and authorities. Councillor West has been further advised that the Commission's methods of assessment are tested for robustness. As the Panel has expressed an interest in the inspection and assessment process, a Guide published by the Commission is attached as an Appendix for information. It should be noted that the District Council is subject to inspection via the County Council. In addition, the findings of studies by the District Council on health matters have been welcomed by the Commission.

- 2.5 Regarding the Panel's concern at the use of financial penalties and the potential effect they have of diverting funding away from healthcare services, particularly those in the public sector, discussion has been held on the extent of the Commission's powers to close under-performing healthcare facilities. Ms Skinner has stated that a number of options are investigated before that stage is reached. In such cases, the Board of Governors or the Trust Board are held to account but, in the public interest, the Commission prefers not to close facilities. Ms Skinner has also reported that such action is only taken in accordance with strict guidance and that each individual provider is treated on a case-by-case basis. Prior to reaching the closure stage, efforts are made to work with under-performing facilities with a view to improving their care quality standards. In the first instance, service providers who breach their registration standards receive a formal Notice from the Commission. If improvements are not made within a stated timescale, the Commission has the authority to prosecute or impose financial penalties on the service provider.
- 2.6 The Commission's inspection arrangements have also been discussed, and it has been reported that 99% of inspections are conducted on an *ad-hoc* basis. The number of inspections undertaken on a facility depends on the individual performance of that particular service provider.
- 2.7 The Commission meets with Cambridgeshire County Council's Adult Social Care Department on a quarterly basis to monitor the performance of services falling within the remit of the County Council. Efforts are currently being made to encourage the Primary Care Trust also to take part in these quarterly meetings. Additionally, an annual performance summary report on the services provided by the County Council is published by the Commission. Having been advised that this report would be published on 2nd December 2009, Councillor West undertook to request sight of the report at a future meeting of the Health and Adult Social Care Scrutiny Committee. Finally, Ms Skinner reported that the Commission would also be feeding into the Comprehensive Area Assessment process.
- 2.8 At the conclusion of discussions, Ms Skinner welcomed the opportunity to work with the Overview and Scrutiny Panel and reported that she would be extending an invitation to Members to attend a briefing on involving Overview and Scrutiny Committees and Local Involvement Networks (LINK's) in the Commission's work.

3. CONCLUSION AND RECOMMENDATION

- 3.1 It has been acknowledged that the Care Quality Commission will play an active role in regulating the quality of health services across the nation. In

local terms, it is evident that the Commission is working closely with relevant partners and agencies to promote the quality of healthcare services in Cambridgeshire and that District Council is able to contribute to this outcome. The Panel is, therefore:

RECOMMENDED

to receive and note the contents of this report.

BACKGROUND INFORMATION

Minutes and Reports of the meeting of the Overview and Scrutiny Panel (Service Delivery) held on 6th January and 2nd December 2009.

Minutes and Reports of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 1st September and 6th October 2009.

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THE SERVICE INSPECTION GROUP

WHO WE ARE AND WHAT WE DO

An Introduction For Councils

April 2009

Introduction

The purpose of this guide is to provide information for councils about the role and function of service inspection.

What is service inspection?

It is an independent evaluation of a council's performance in delivering social care outcomes to its communities and its capacity to improve that delivery in the future.

Essential components include:

- on-site evidence gathering called 'fieldwork'
- a clear focus on the experiences of people who need social care services and their carers
- a focus on improvement.

There is no national 'rolling programme' of inspections and there are no established frequencies for inspections.

Individual inspections are triggered by assessed local need. They are risk based and tailored to the local circumstances of councils.

Social care services are evaluated using a published assessment framework that is consistent with our overall assessment framework for performance assessment.

The performance assessment framework is agreed by Ministers and is developed from government policy and established good practice. It is subject to extensive and rigorous consultation with stakeholders including people who use services, carers, social care professionals and senior managers and is reviewed annually.

What happens during an inspection?

A team made up of two service inspectors and an expert by experience carries out service inspections¹. The team gathers evidence before and during fieldwork. It then evaluates a councils' performance and provide verbal feedback and a written report.

Reports inform the public about the quality of services in their local area and help senior managers in making improvements.

The inspection report is presented to elected members of the council in a public meeting. The Area Manager (AM) linked with the council monitors progress on the action plan with the inspection team.

Inspection evidence and progress on implementation of the action plan form part of the evidence base for the council's Annual Performance Assessment.

¹ Experts by Experience are people who have experienced the service area that is the focus of an inspection as a user but not in the council where the inspection is taking place.

Pre-fieldwork activity includes:

- reading documents supplied by the council- which are relevant to the themes of the inspection and have been agreed between the inspection team and the council.
- usually a postal survey of a sample of people the council has contact with and arranges services for.
- the views of a range of partner agencies by letter.

Fieldwork activity is tailored to the needs of the council. It could include:

- case file reading
- case 'tracking'
- and individual or group interviews (focus groups)

These may be carried out with:

- people who use services and carers
- social care fieldworkers
- senior managers
- independent sector provider organisations
- independent advocacy agencies
- organisations, people using services, carers or others who have contacted them in the earlier phase of the inspection

How do we reach our findings?

We reach findings and rated judgements following collection, review and triangulation of the evidence from the inspection, in a process known as 'collation'. The assessment framework and rated 'descriptors' are used in making any decisions.

Councils are given brief 'headline' feedback both in person and in writing soon after the completion of fieldwork, followed by a full report.

Reports contain:

- key findings and judgements mapped to the appropriate themes
- judgements for the councils' delivery and capacity
- recommendations concerning improving outcomes for the councils' communities

Reports are constructively critical and aimed at helping senior social care managers in making improvements. They are presented to a public meeting of the council alongside the council's improvement plan that sets out how it intends to meet the report's recommendations. After this, the report is made accessible on CQC's website www.cqc.org.uk.

Inspection evidence and progress on implementation of the action plan form part of the evidence base for the council's Annual Performance Assessment

Who are the service inspection team?

A national team of inspectors carries out service inspection. The inspectors have experience of working in social care at a senior level. They are joined for

some of the fieldwork by experts by experience who have direct experience of the social care area being inspected.

The team is part of the Inspection Regulation and Review (IRR) Directorate of the Commission and is managed by two service inspection managers who report to the Regional Director for Service Inspection.

What is the purpose of Service Inspections?

For local people who need social care services and their carers they:

- provide information and assurance about the quality of local services
- act as a catalyst (where necessary) for immediate and longer-term improvements in the local delivery of social care outcomes
- promote the public accountability of local councils to their communities.

For councils they:

- provide an independent view and judgement of significant aspects of performance
- capture the experiences of people who need services in their area,
- provide a 'diagnostic' and 'prescriptive' service where there are identified concerns

For CQC they:

- fill important performance information gaps, and
- provide a 'reality check' to statistical and other performance information
- contribute to the annual performance assessment of council's social care functions.

On a national level they:

- focus on the social care policy objectives of Government, and
- contribute evidence to CQC's national reporting on the state of social care in England.

What shapes service inspections and the way they are carried out?

Service inspections are shaped by Government policy on adult social care and 'Better Regulation' and are continually reviewed to ensure their alignment with these policies. The current focus is in line with the 'Putting People First' policy aspirations and the methodology has been designed to ensure that inspections;

- focus on people who need support (particularly those in vulnerable situations) and social care outcomes for them
- are proportionate and constitute a reduced administrative impact for councils
- are tailored to the local circumstances of councils
- treat councils equitably
- allow councils to contribute fully to the inspection and to have a robust right of reply
- operate impartially, objectively and transparently
- form part of a consistent approach to performance assessment.

People who use services are involved in the design of methodologies, establishing assessment frameworks and as members of local inspection teams.

Local inspections focus strongly on the views and experiences of people who need social care services and their carers and these are given due weight in reports, findings, rated judgements and recommendations.

How does service inspection relate to annual performance assessment (APA)?

Both use the same overall assessment framework.

Both use the same set of rated descriptors and guidance to gather and interpret evidence and in scoring performance.

Both result in rated or scored judgements. The overall assessment framework and scoring guidance are published annually in the Performance Assessment Handbook and associated guidance on our professionals website.

During the annual performance assessment cycle the need for a service inspection may be identified and discussed with the Director of Adult Social Services (DASS) and senior managers. The need for an inspection may arise at any time.

AMs are involved in commissioning and focusing inspections. They brief the inspection team and are closely involved in reporting and in monitoring and evaluating follow-up action.

Both the inspection team and the AM are involved in presenting the inspection report to the council and in agreeing the action plan. The AM has oversight of a council's progress in implementing the action plan and may call on the inspection team for assistance in formally reviewing and evaluating progress.

The inspection findings, the action plan and progress on implementing it are evidence for a council's APA.

How are councils are chosen for an inspection?

Service inspections are commissioned when we want to deepen our understanding about aspects of a council's performance. This includes when:

- there is evidence of weakness or failure and a deeper understanding is needed to assist assessment and support for improvement
- there is evidence of good improvement and performance but a more in-depth understanding is needed for assurance about capacity to improve
- situations make adults particularly vulnerable and assurance is needed that safeguarding arrangements are satisfactory
- performance or improvement levels are not satisfactory or need checking
- not enough is known about the actual experiences and views of people who need social care services
- assurance is needed that outcomes are being delivered appropriately
- they are needed to help drive system change locally or nationally

- Ministers have directed.

How are inspection programmes are co-ordinated?

We discuss our proposed inspection programme with the Audit Commission which has the responsibility to co-ordinate the programmes of all local service inspectorates.

When we plan to inspect a council and there is also another inspectorate planning to inspect we will look at how best to do this with as little disruption as possible.

This might include creating more time between the inspections or joining up the inspections. It will depend on the circumstances of the council and the reason for inspection.

How is confidentiality maintained?

We make sure that we protect the identity of sources. We have a strict policy which all members of the team follow so that people can feel confident to give information and evidence during the inspection.

We report and manage information so the source cannot be identified.

Very rarely, we may need to disclose information shared with us because disclosure is 'in the public interest'. An example would be where evidence of potential professional misconduct is identified. We would be open with people who give us such information that that is what we have to do.

What can you can expect from the inspection teams?

You can expect inspection teams to:

- work openly
- respectfully
- with integrity
- understand your circumstances
- operate objectively, and with tact and diplomacy.

An inspection is aimed at improving services and outcomes for people.

Where tensions arise you can expect them to be handled constructively.

What should inspection teams expect from you?

They will expect you to take a full and positive role in the inspection process.

This means:

- providing evidence before and during fieldwork
- arranging the fieldwork programme and 'hosting' the inspection team
- nominate a 'liaison officer' who will arrange this. We will give specific guidance about this role
- brief your officers and managers about the inspection, including what they might expect from the team.

How can you make sure that inspection teams have all the evidence that they need?

The inspection process is designed to ensure that the team have sufficient evidence to reach robust findings and judgements. Opportunities are built into the process for you to ensure that teams have the evidence that you consider is important. The final opportunity for this is at headline feedback after which further evidence is not normally accepted.

How can you make sure that you tell the team your view of your performance?

There are a number of structured opportunities for you to tell us your view of your performance. These are:

- providing your own evaluation of your performance before the fieldwork begins.
- during interviews with key senior managers.
- commenting on written and verbal 'headline' feedback given to senior managers shortly after fieldwork ends. At this point inspection findings can be reviewed.
- commenting about the factual accuracy of your report. The report, its findings and scored judgements are reviewed in the light of these comments.
- you can make a written representation using our representation procedure if you are still not satisfied with the way that we have used out evidence to reach our judgements.

How do we quality assure the service inspection?

All inspections are carried out using the same methodology – a set of tools, guidance, and approaches that are of proven effectiveness and suitability.

The views of major stakeholders are a key influence on inspection design and review. Stakeholders include councils and people who need social care services and carers.

A Service Inspection Manager oversees all inspections. They moderate and 'sign off' the inspection report on behalf of the Chief Inspector.

Reviews of the inspection evidence, findings and report and/or its judgements are prompted by comments from the council at headline feedback, on receipt of the report and during any written representation.

You will also be asked to complete a quality assurance questionnaire that covers your experience of the inspection and the inspection team. All returned questionnaires are considered in the review of the inspection, locally with the inspection lead and nationally by the inspection design team.