

**ADULTS SCRUTINY COMMITTEE
26 OCTOBER 2021**

QUALITY STANDARDS MONITORING OUTCOMES 2020-2022

**AGREEMENT FOR THE PROVISION OF RESIDENTIAL CARE
FOR ADULTS AND OLDER PEOPLE AND OLDER PEOPLE WITH
MENTAL HEALTH PROBLEMS 2013-2023**

SUMMARY REPORT

Purpose of the Report

- 1 The purpose of this report is to inform Members of the outcome of the quality standards assessment for 2020 – 2022. The level of compliance against the quality standards will determine the fee levels for the current year.

Background

- 2 The current Agreement for the Provision of Residential Care for Adults and Older People with a Mental Health Problem (OPMH) commenced 1 April 2013 and is in place until 31 March 2023 as the Council has extended the Agreement for a further 2 years. This has been agreed by all of the Providers.
- 3 The Covid-19 pandemic that resulted in a national lockdown on 23 March 2020, has had a significant impact on the care home sector. For Health and Safety reasons quality monitoring visits into care homes were postponed and an alternative process was developed, in consultation with providers. It was also agreed that outcomes from these visits would be backdated to 1 April 2020.

Quality Standards Results 2020/22

- 4 The results of the quality standards for 2021 – 2022 demonstrates an improvement in the number of homes who have achieved an A Grade, with 15/19, (79%) achieving an A Grade compared to 11/19, (61%) in 2019. No homes achieved less than 8 standards which is an improvement on 2019 (4/19, 21%).

- 5 Overall, all but 1 of the previous A graded homes have maintained this grade. 5 homes have improved on previous gradings

Grade	Year 15 - 16	Year 16 - 17	Year 17 - 18	Year 18 - 19	Year 19-20	Year 21- 22
A	9/21	12/19	9/19	11/18	13/19	15/19
B	6/21	2/19	5/19	2/18	1/19	2/19
C	4/21	5/19	5/19	5/18	5/19	2/19

**JAMES STROYAN
GROUP DIRECTOR PEOPLE**

Background Papers

No background papers were used in the preparation of this report

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S17 Crime and Disorder	This report supports the Council's Crime and Disorder responsibilities
Health and Wellbeing	This report supports performance improvement relating to improving the health and wellbeing of residents
Carbon Impact and Climate Change	This report supports the Council's sustainability responsibilities
Diversity	This report supports the promotion of diversity
Wards Affected	This report supports performance improvement across all Wards
Groups Affected	This report supports performance improvement which benefits all groups
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This report contributes to the Council Plan by involving Members in the scrutiny of performance relating to the delivery of key outcomes
Efficiency	Scrutiny of performance is integral to optimising outcomes.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Background

- 1 The current Agreement for the Provision of Residential Care for Adults and Older People with a Mental Health Problem (OPMH) commenced 1 April 2013 and is in place until 31 March 2023 as the Council has extended the Agreement for a further 2 years. This has been agreed by all of the Providers.
- 2 **Appendix 1** provides an overview of the Quality Standards Process.

Current Market Position

- 3 The Covid-19 pandemic that resulted in a national lockdown on 23 March 2020, has had a significant impact on the care home sector. For Health and Safety reasons the visits as detailed above were postponed, for an original period of 6 months and then for the whole of the year 2020-2021.
- 4 The Council were in regular communication with Providers who were kept informed of the situation in relation to contract monitoring and the resulting implication on fee levels. In August 2020 Providers were informed that the visits for 2020-2021 were cancelled with confirmation that when the visits were recommenced any outcome would be backdated to 1 April 2020, in line with the fee levels communicated to them at that time.
- 5 There will therefore be a requirement to adjust any payments from 1 April 2020 and 1 April 2021. Any adjustment will consider any homes that have had a contractual embargo placed upon it as gradings are reduced to a C grade contractually should this occur until the issue is resolved.
- 6 There are currently 19 care homes signed up to the Agreement. The occupancy levels across all 19 homes are currently at 80% a 5% decrease since the last report. Whilst we previously reported the occupancy levels had been below 85% for the 2 years up to April 2018, the impact of Covid-19 on care homes has been significant.

- 7 During the pandemic the Commissioning and Contracts Team provided information and support to the care home sector, which included the distribution of grant monies that had been made available to Local Authorities from Central Government. There were also opportunities to receive financial support to those homes who suffered a significant decrease in occupancy levels as a result of Covid-19.
- 8 Outbreaks occurred in 17/20 Older Persons care homes (this data includes 1 care home that does not come under The Council's Agreement) in the period April 2020 – June 2021. The occupancy levels at the outset of the pandemic were 88%. By December 2020 this had reduced to 72%. The levels of occupancy remain lower than pre-covid numbers but have been slowly rising over the last few months.
- 9 The current availability of beds within Darlington across Residential Care and Nursing Care is 877. As reported in 2019 there continues to be a shortfall within the availability of nursing beds, and more specifically within nursing Older Peoples Mental Health (OPMH) provision, as Providers continue to struggle in the recruitment of nursing staff.
- 10 In 2019 there was an increase in the number of homes achieving an A Grade with 11/18 homes achieving an A Grade, compared to 9/19 the previous year (2018). Due to Covid, the assessments were undertaken in a different way this time. Providers were consulted regarding a virtual/self-assessment process. Each home was required to provide information to the contracts section in order for a self-assessment document to be populated with key areas of information prior to the self-assessment being carried out by the care home Manager and Regional Manager. Once this was completed the individual care homes self-assessment document was sent to the care homes via Egress system, and a 3 week period allocated to complete the process. Once submitted the contracts officers undertook the evaluation, followed by a 'Teams' meeting with both the Manager and Regional Manager to provide feedback and to clarify any queries they may have from the self-assessment information submitted. Each Manager and Regional Manager were required to sign a declaration confirming information submitted was correct and were required to be present at the feedback session, in order to ensure continuity in each home's assessment process.

- 11 Following the assessment and sign off process carried out by the Council each home is provided with an outcome report and will be asked for an action plan that details how they will meet the standards in the future.
- 12 Monitoring of care homes will continue, virtually or in person where it is both deemed safe and appropriate to do so. This will also include monitoring through our safeguarding processes, and should any information come to light that contradicts the information submitted by the care homes, contractual compliance concerns will be raised with the Provider.
- 13 In addition, there continues to be a programme of support by Contracts Officers offered to any new care home manager/regional manager for one to one sessions regarding how the quality standards process works, and to ensure their full understanding of the standards and how they could be met. Managers are also encouraged to contact the team should they have any queries. The homes are however ultimately responsible for ensuring they meet the quality standards, and full compliance maximises their income stream from the Local Authority.

Quality Standards Results 2020/22

- 14 Individual Quality Standard outcomes have been detailed in **Appendix 2** of this report.
- 15 Reference (**Table Appendix 3**)
 - ◆ 15/19 Care Homes gained 10 standards
 - ◆ 2/19 Care Homes gained 9 standards
 - ◆ 2/19 Care Home gained 8 standards
- 16 The results of the quality standards for 2021 – 2022 demonstrates an improvement in the number of homes who have achieved an A Grade, with 15/19, (79%) achieving an A Grade compared to 11/19, (61%) in 2019. No homes achieved less than 8 standards which is an improvement on 2019 (4/19, 21%).
- 17 Overall, all but 1 of the previous A graded homes have maintained this grade. 5 homes have improved on previous gradings

Grade	Year 15 - 16	Year 16 - 17	Year 17 - 18	Year 18 - 19	Year 19-20	Year 21- 22
A	9/21	12/19	9/19	11/18	13/19	15/19
B	6/21	2/19	5/19	2/18	1/19	2/19
C	4/21	5/19	5/19	5/18	5/19	2/19

- 18 Of the 13 homes that were an A grade in 2019, 12 of the homes maintained their A Grades, and 3 homes improved their rating. Care home’s 10 and 18 improved from a C to an A, and care home 3 from a B to an A.
- 19 Care Home 1 that was an A Grade in 2019 has reduced their rating to a B Grade.
- 20 Of the 5 homes that were a C Grade in 2019, care home’s 10 and 18 improved their gradings to an A Grade, care home 7 improved to a B Grade, care home’s 9 and 12 maintained a C Grade, with care home 12 failing 2 different standards from last time, and care home 9 improving on their failure in 5 standards last time to 2 this time.
- 21 Since the last assessments were carried out, we have continued our work with homes to improve on their ratings. The common denominator in all of these were significant changes in the management team. This occurred at care home’s 10, 12 and 18, where multidisciplinary teams met with the homes under our Adult Safeguarding Executive Strategy Process. All of these homes have also been inspected by CQC and have had their inspection ratings improved. Care home’s 10 and 12 had both been assessed as Inadequate and are now both Requires Improvement. Care home 18 was assessed as Requires Improvement and is now Good.
- 22 **Appendix 4** shows the outcomes for all 19 homes over the past 6 years. It also shows where there have been management changes.

Conclusion

- 23 The overall change in compliance from last year is encouraging in respect of the increase in homes achieving an A Grade and that 12 homes maintained their A Grade. However, it is disappointing to note that 2 previously 'C' graded homes have not improved their grading.
- Care home 18 has achieved all of the standards this year, a huge improvement on 2019 where they failed 4 standards.
 - Care Home 10 has achieved all of the standards this year, a huge improvement for this home who have been a C grade since 2015.
 - Care home 7 has failed 1 standard this year, an improvement on their position in 2019 when they failed 3 of the standards.
 - Care Home 12 has failed 2 standards again this year, albeit different to the ones failed in 2019, but have still not improved enough to increase their financial position as they remain a C Grade.
 - Care home 9 has failed 2 standards this year, compared to 5 in 2019, which is a significant improvement but still not improved enough to increase their financial position as they remain a C Grade.
- 24 Contract Officers continue to report that where there have been changes in management, resulting in multiple managers being in a home in any one year, or where there have been significant gaps between managers, standards slip very rapidly. However, the one area that we may have expected to slip this year in respect of staff support via supervision & appraisals, has been shown to have slipped in 2 homes and it is reassuring to see that for the majority of homes staff support was maintained despite the additional pressures incurred as a result of the pandemic.
- 25 Written feedback will be given to providers, together with the outcome of the visits, and action plans will be required from each home to address all the shortfalls identified by the assessment process.

- 26 There is also an appeals process in place for providers. No appeals were received this year from any Providers. Once the appeal process timescale is spent, letters are sent to full fee paying Service Users and their correspondents with the result of the quality standards process and advising them of the fee level for the period 2020 – 2022.
- 27 A health and safety risk assessment process is in place to support future visits to care homes.

Budget Information

- 28 The results of the annual quality monitoring process for 2021-2022 have resulted in an additional cost pressure on this year's budget of circa £80,000. An additional cost of circa £78,000 will be applied to the budget for 2020/21 which was covered by the year end accrual. As in previous years amendments to fee levels will be communicated to our partners in Tees Valley CCG.

Recommendation

- 29 It is recommended that :-
- (a) The information in this report is reviewed and noted.

Appendix 1

Residential Care Agreement and Quality Standards Overview

- 1 The Agreement was negotiated with care home providers in 2012. A series of consultation meetings took place throughout 2012, which looked at the Agreement, Service Specification, Quality Standards, and Fee Levels. These were reviewed in consultation with providers and their comments and feedback were used during the development period.

- 2 The Contracts Team worked through the service outcomes within the Agreement to produce a set of quality standards. In addition to these standards, each care home has been independently assessed and allocated a grading which is based on environmental standards. In 2012, as part of the negotiations undertaken with providers, the number of quality standards and environmental grades were reviewed and consolidated into 10 quality standards and 3 environmental grades (listed below), which together provide a picture of the standard of care being provided in each home, and determine the fees received by the providers.

Quality Standards:

- Effective recruitment procedures
- Staff development requirements
- Social and leisure outcomes
- Plans of care requirements
- Nutrition
- Management of medication
- Safeguarding/Whistleblowing/DoLS
- Health and safety
- Monitoring and quality of service
- Clean and safe environment

Environmental grades:

Grading	Environmental Compliance Level	Number of Care Homes
Grade 1	100% compliance	8
Grade 2	75% – 99% compliance	9
Grade 3	55% - 74% compliance	1
Grade 4	Less than 55% compliance	1

- 3 The Quality Standards process, which forms part of the Agreement, requires two contracts officers to visit all contracted care homes for older people on an annual basis between April and June to monitor the care home against the agreed quality standards. These standards along with the home’s environmental grade determine the fee level for the coming year.
- 4 The level of quality compliance achieved by the Care Home is then graded A – C as outlined in the table below.

GRADING	QUALITY STANDARDS COMPLIANCE LEVEL
Grade A	All 10 standards fully met
Grade B	9 standards fully met
Grade C	8 standards or less fully met

- 5 During the consultation period, providers were also asked to complete a questionnaire on their cost breakdown, and from the financial evaluation it was determined that the formula that had been applied in the previous agreement was still financially sound to reflect the true cost of care. The formula uses the relevant agreed indices from October of each year to review the cost of care in Older Peoples Residential Care.
- 6 The ‘National Living Wage’ is considered in the annual rate review.
- 7 The previous agreement did not place any financial penalty on a provider if they breached the Agreement. This was reviewed and the Agreement now states *“Where a Contractor is in breach of the Agreement and a suspension of new placements has been placed upon the Care Home during the year the Price payable will be reduced to that of quality standards Grade C from the date of the breach of Agreement letter, and this Price will remain until*

the breach of Agreement is resolved, and the Contractor has no restrictions on taking new admissions into the Care Home”.

- 8 The fee table now contains 12 permutations ranging from 1A to 4C. The numeric grade is based on the environmental standards set in 2006, with the letters A-C being the level of standards achieved. The current table of fees is seen below:

**RESIDENTIAL FEE RATES FOR 2021- 2022
APPLICABLE FROM 1 APRIL 2021 – 31 MARCH 2022
(An additional £20 per bed per week will be paid for Older people with a Mental Health Problem)**

GRADE	A	B	C
1	590	561	531
2	587	558	528
3	561	533	505
4	549	522	494

Appendix 2

INDIVIDUAL QUALITY STANDARDS OUTCOMES

In relation to the individual standards.

- 8 of the 10 standards achieved 100%.
- An improvement has been identified in the number of homes achieving standards 1, 2, 4, 6 7 and 9.
- A reduction has been identified in the number of homes achieving standard 5.
- Standard 3, 7, 8 and 10 remained the same as last time at 100%.
- 1 care home failed a standard they failed last time.

Standard 1 – Effective recruitment procedures.

This standard looks at staff recruitment processes, reference & DBS checks, and induction process (The checks are made on staff who have been recruited in the last 12 – 18 months).

All homes passed this standard*.

Standard 2 - Staff Development Requirements.

This standard looks at training and development, including staff members having a learning and development plan, 75% of staff having NVQ qualifications, bi-monthly staff supervisions and annual appraisals.

4 homes failed this standard. *3 of these homes had excellent results in Standard 1 recruitment element. However, it was noted they had some shortcomings in respect of the completion of the care certificate, which relates to induction training, and this was considered in line with the outcome of their assessment of standard 2 that covers training and development. It was felt this was a fairer way to assess the standard. A requirement to meet this element in future will be in their feedback report.

The common shortfall in this standard remains the same as in previous years, in relation to some specific staff training, NVQ training, in 2 homes an inadequate number of supervisions & appraisals. The 4 homes had a significant shortfall in the number of staff with/or working towards NVQ qualifications, (57% and less).

Standard 3 – Social and Leisure Outcomes.

This standard looks at social activities, activities in the home, and how those are co-ordinated social and leisure outcomes for residents, including resident's involvement in care planning and risk assessment.

All homes passed this standard.

Standard 4 – Plan of Care Requirements.

This standard looks at key workers, risk assessments, care plans, and the requirement for a pre-assessment of needs followed by full assessment of the resident's need being completed within 48 hrs of admission. Care plans for physical, mental health, social, emotional needs are required to be completed within 72 hours of admission & reviewed monthly as a minimum.

All homes passed this standard.

Standard 5 – Nutrition.

2 homes failed this standard (Care home 9 and 12)

This standard is monitored by the Focus on Under Nutrition officer (FoUN), who has provided training and support to care homes on this initiative. They visit each home annually and if they meet the requirements of FoUN the home is given a certificate. If they do not meet the required standards the home will not be issued with a certificate and an action plan given to the home.

Standard 6 – Management of Medication.

This standard looks at the Policies and Procedures for medication management in the home, and that these correspond with the medication system the home adopts. This includes six-monthly competency checks for all staff who undertake medication administration, reviewing residents who are on anti-psychotic drugs, staff signature checks, and clear identifiable information on the Medication Administration Records (MAR) for each resident.

All homes passed this standard.

Standard 7 – Safeguarding & Whistleblowing.

This standard looks at training in respect of adult safeguarding at both level 1 and Level 2, Mental Capacity Act (MCA) and Deprivation of Liberty's (DoLS) training and how the home manages safeguarding.

All homes passed this standard.

Standard 8 – Health & Safety.

This standard looks at Health & Safety (H&S), risk assessments, actions for heat wave, cold weather and business continuity, H&S training, moving and handling training, food hygiene, safeguarding. It also includes inspection reports & service checks in respect of fire, gas and electric, water, food hygiene, and service records for lifting equipment.

All homes passed this standard.

Standard 9 – Monitoring & Quality of Service.

This standard looks at customer satisfaction, stakeholder feedback, audit checks, comments and complaints, and staff misconduct investigations.

All homes passed this standard

Standard 10 – Clean and safe environment.

This standard looks at the recruitment, induction, supervision and appraisals for ancillary staff, cleaning plans and records in respect of deep cleaning, and the quality and quantity of furnishings, bedding, and towels.

All homes passed this standard