

Slough Borough Council

Report To:	Corporate Improvement Scrutiny Committee
Date:	28 November 2023
Subject:	Scrutiny Task & Finish Group report: Preparedness of Adult Social Care for CQC Inspection
Chief Officer:	Marc Gadsby, Executive Director Adult Social Care
Contact Officer:	Alexander Polak, Statutory Scrutiny Officer Amanda Halliwell, CQC Project Manager
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 – Report of the Corporate Improvement Scrutiny Committee’s Task & Finish Group: Preparedness of Adult Social Care for CQC Inspection

1. Summary and Recommendations

- 1.1. The Health and Care Act 2022 established a new duty for Care Quality Commission (CQC) to independently review and assess the performance of local authorities in delivering their adult social care functions, as set out under Part One of the Care Act 2014 (Care and support). Guidance is provided at www.cqc.org.uk that includes the assessment framework and the consequences of a poor assessment.
- 1.1 Appendix 1 is the final report of the ‘Preparedness of Adult Social Care for CQC Inspection’ Task & Finish Group, which was commissioned by the Corporate Improvement Scrutiny Committee at its meeting on 25 July 2023. It summarises the research undertaken by the committee in the limited time available and makes a series of recommendations.

Recommendations:

- 1. That the committee thanks the members of the Task and Finish Group, and the officers who supported it, for their work to produce the report at Appendix 1;**
- 2. That the report and its recommendations are endorsed by the committee; and**
- 3. That the following recommendations by the ‘Preparedness of Adult Social Care for CQC Inspection’ Task & Finish Group are recommended to Cabinet for the particular attention of the Cabinet Member for Health, Social Care & Wellbeing:**
 - a) Focus resources on those areas where self-assessment has identified the most opportunity for improvement. Consideration should be given to whether some areas could be safely deprioritised in order to deliver more impactful improvements in another areas.**

- b) Carry out an audit of officers' data analysis skills to identify the analytical skills and capabilities of officers in different departments across the organisation. Staff with data skills should be used to help mitigate those risks identified by the self-assessment that are dependent on data collection, analysis and interpretation (recognising that not all risks are addressed by this skillset).**
- c) Prepare an 'inspection visit action plan' that will be used to guide the council upon receipt of notification of a pending inspection.**
- d) Ensure that the Integrated care systems/Board continues to be engaged with and that it understands its role and relevance in an inspection of Adult Social Care (noting that they will be subject to their own CQC inspection too).**
- e) Document the Slough Story and a Vision for ASCs ambition as soon as possible and circulate it to stakeholders as the first phase in the Council's engagement on the pending CQC assessment.**

Commissioner Review

The Commissioners noted the report.

2. Report

- 2.1** Appendix 1 is the final report of the 'Preparedness of Adult Social Care for CQC Inspection' Task & Finish Group, which was commissioned by the Corporate Improvement Scrutiny Committee at its meeting on 25 July 2023. It summarises the research undertaken by the committee in the limited time available and makes a series of recommendations aimed at assisting the council to improve in this area. Adult Social Care improvement has come to be seen as one of the key drivers of the council's recovery journey although it is not covered specifically by any of the original improvement directions made by the secretary of state.
- 2.2** The topic was originally proposed to be considered as part of the overall issue of health inequality, however members resolved to commission a more focused piece of work from the Task & Finish Group, solely on the topic of CQC inspection readiness. This is because the issue was considered timely and urgent, based on the likely imminence of such an inspection at the commencement of a new inspection regime (see 'legal implications' below).
- 2.3** The report is self-explanatory.
- 2.4** The Task and Finish Group's report and recommendations are presented today for the consideration of the full committee. The Chair of the Task and Finish Group will introduce the report.
- 2.5** The committee is invited to explore the issues raised by the report and to ask questions of both the councillors and officers involved, in order to assure themselves of the value of the recommendations made.
- 2.6** The relevant cabinet member has been invited to attend along with the relevant executive director. They may provide an indication in the meeting of their openness to the various recommendations, however they may prefer to reserve their final views until the recommendations have been considered in full by their lead officers and the recommendations are received formally by cabinet.

- 2.7** If the committee is content to endorse the task and finish group's recommendations and refer them to Cabinet, then the cabinet member will be expected to provide, at that cabinet meeting, a response to the committee explaining which if any recommendations they are minded to accept or reject and a timeline for their implementation.
- 2.8** The Corporate Improvement Scrutiny Committee will then track the implementation of any recommendations which have been accepted by cabinet, via the committee's new 'recommendations tracker'.
- 2.9** This is the first Task and Finish Group which has been commissioned by the new Corporate Improvement Scrutiny committee, and the first undertaken within the new administration, with the support of a new scrutiny officer who joined the council after the T&F was commissioned. A number of the councillors on the group were new intake in May 2023, although the committee benefited from being chaired by a councillor with significant experience and expertise in this subject area as a former cabinet member. This exercise and the report at appendix 1 should therefore be viewed as both an important contribution to the ongoing improvement of the council and as part of the learning curve of the new committee. Members' and officers' feedback on the success of the process and the final report, will be valuable in assisting councillors and officers to continuously improve Slough Borough Council's Overview and Scrutiny arrangements over the course of this administration. One example of a lesson learned is as follows:
- 2.10** The scope of this task and finish group did not include, within the time or resources available for the work, a full assessment of the financial or workforce implications of the recommendations proposed. Furthermore, members of the Task and Finish Group recognised that a considerable body of related work was ongoing, which was outside of 'business as usual'. In responding to the committee's recommendations, the cabinet member may therefore be expected to give their views as to the financial and other implications of these recommendations.
- 2.11** In general, it would be better to include financial and legal implications within the scope of future reviews to provide higher quality recommendations, and this learning will be taken forward into future reviews.

3. Implications of the Recommendations

3.1 *Financial implications*

- 3.2** The act of referring these recommendations to cabinet does not in itself incur any financial implications.
- 3.3** However, were cabinet to accept those recommendations there are likely to be resource implications which may incur additional expenditure. For example, recommendations such as reallocating staff with data analysis skills to different projects may attract opportunity costs.
- 3.4** Whether these recommendations can be carried out within existing capacity is a matter which was not covered by the task and finish group's investigation and so will be a matter for cabinet to assess in its response to these recommendations.

3.5 *Legal implications*

- 3.6** The Health and Care Bill published in July 2021, provides a new legislative framework to facilitate greater collaboration within the NHS and between the NHS, local government, and other partners, and to support the recovery from the pandemic.
- 3.7** The Health and Care Act 2022 gave the Care Quality Commission (CQC) new regulatory powers to undertake independent assessment of local authorities' delivery of regulated care functions set out in Part 1 of the Care Act 2014
- 3.8** The Care Act contains five Parts and eight Schedules. Part 1 – Care and Support, sets out the legal framework for the provision of adult social care in England.
- 3.9** The Health and Care Act 2022, introduces a new power for the Secretary of State to intervene when it is considered that a Local Authority is failing to meet its duties.
- 3.10** The cornerstone of the new assurance system will be the assessment of compliance with legal duties and responsibilities. It is therefore implicit that there may be legal implications should any compliance issues be identified through the CQC Assurance process.
- 3.11** The recommendations in this report are designed to assist the council in addressing its duties, however a full consideration of their legal implications was not in scope of the T&F group's review and so this will be a matter for cabinet to assess in its response to these recommendations.

3.12 *Equality implications*

- 3.13** The CQC's new inspection framework has questions of equality running throughout. For example: under 'Theme 1' of the framework, titled 'Working With People' is an area of assessment titled 'understanding and removing inequalities in care and support'. Three of the five evidence categories CQC will use to assess Local Authorities entirely comprise feedback about people's experience, as reported by the people themselves, or by others, such as community and voluntary groups representing them. This includes feedback from people with protected equality characteristics and from the local authority's equality, diversity and inclusion leads, where available.
- 3.14** The recommendations in this report are designed to assist the council in demonstrating the effectiveness of the council's arrangements against this framework and, to the extent that this includes improving equalities outcomes, they can be expected to contribute positively. However, these recommendations do not specifically address equalities issues and there are no specific equalities implications associated with them.

4. Appendices

Appendix 1 – Report of the Corporate Improvement Scrutiny Committee's Task & Finish Group: Preparedness of Adult Social Care for CQC Inspection