

Section 10: Framework for Quality and Safeguarding Provider Monitoring

This section considers the interface between the quality of care and safeguarding in health and social care settings. The section sets out how the Local Authority and partner agencies will work with providers to ensure that adults receive high quality and safe care.

Many of the issues raised as safeguarding concerns, such as falls, pressure damage, medication errors or poor nutritional care, are not rooted in intentional or malicious harm, but in poor practice and poor-quality care. Nevertheless, the impact to the adults can be just as significant regardless of whether harm is intended.

The aim of every commissioner and service provider should be the delivery of effective, high-quality care and support for the adults within the service. If the quality of care is not of a suitable standard, adults may be at risk of abuse or neglect.

Introduction

10.1 The Care Act Statutory Guidance points out that:

"Safeguarding is not a substitute for:

- providers' responsibilities to provide safe and high-quality care and support.*
- commissioners regularly assuring themselves of the safety and effectiveness of commissioned services.*
- the Care Quality Commission (CQC) ensuring that regulated providers comply with the fundamental standards of care or by taking enforcement action; and*
- the core duties of the police to prevent and detect crime and protect life and property".*

10.2 It is therefore important that wider commissioning and regulatory issues are not routinely or inappropriately labelled as safeguarding concerns but also that, where necessary, institutional safeguarding concerns are identified and addressed in a timely and effective manner.

10.3 Any safeguarding concerns will be considered by the Local Authority for the area where the abuse occurred.

- 10.4 Individual enquiries should not be delayed whilst meetings are convened to consider any broader concerns within a care provider.
- 10.5 The process for responding to quality and safeguarding concerns within provider settings in Staffordshire and Stoke-on-Trent is outlined below.

Quality and Safeguarding Process in Staffordshire and Stoke-on-Trent

Level 1 Process – General Intelligence Gathering

- 10.6 This level represents the ongoing intelligence gathering and sharing between parties including analysing intelligence and identifying risks. This may include information sharing meetings, Quality Assurance and Safeguarding concerns/referrals.

Level 2 Process – Quality Assurance Process/Contract Process

- 10.7 Where there are particular concerns identified, appropriate contact with the provider would take place. This could range from contractual action to a formal meeting involving the provider and relevant professionals. This may involve working through any identified concerns to develop an appropriate action plan.

Level 3 Process - Quality Improvement Process

- 10.8 Where concerns persist as a result of the failure of the organisation to improve their service, the Local Authority will consider what options are available to them.
- 10.9 The purpose of the Quality Improvement Process will be to address significant quality concerns within a service.
- 10.10 The Quality Improvement Process may make a recommendation regarding the suspension of some or all new placements/packages of support, but any decision on this will lie with the relevant commissioners and/or regulator.
- 10.11 Decisions regarding contractual/regulatory action can take place outside of a formal meeting process.
- 10.12 The process can be as short or as long as necessary.
- 10.13 If the concerns indicate an increased risk of abuse or neglect, the service may be escalated to level 4 processes.
- 10.14 When a service has been engaged in a level 3 process for a significant period of time, improvements are not being noted and/or

significant quality concerns remain the service may be escalated to level 5 processes.

Level 4 Process – Large Scale Enquiry (LSE)

10.15 The LSE process has become well embedded and contributes to the co-ordination of multiagency efforts to address significant safeguarding, quality and safety concerns within a service.

10.16 Indicators for a Large Scale Enquiry:

- Number and/or nature of section 42 Enquiry referrals. This could either be because there are high volumes identifying significant concerns. It is also a concern if a provider has not recognised and reported concerns appropriately and significant concerns are subsequently identified by other agencies.
- Combinations of concerns that are potentially higher risk and appear systemic e.g. poor moving and handling with inappropriate techniques or equipment, nutritional needs not being met, skin integrity needs not being met etc.
- Numbers of residents admitted to hospital with safeguarding concerns identified.
- Provider has not engaged proactively following other interventions.

10.17 The LSE process will be led by an appropriate manager as determined by the host local authority who will co-ordinate the sharing of information regarding the safeguarding concerns and support action planning to address areas of concern.

10.18 Commissioners, regulators, Police and other partners will participate and contribute to this process in partnership with the respective service provider to promote the safety and wellbeing of adults who use the service.

10.19 It should be the case that providers are fully and actively involved in LSE meetings. There may be situations where agencies need to have some discussions from which the provider will be excluded. This will always be the case where there are active police investigations into the management of a service, but other situations may also warrant this.

10.20 At the start of an LSE the provider will be requested to provide the following information:

- Details of all adults using the service including contact details for their representative and their funding authority.

- Training matrix
 - Dependency tool
 - Any service quality improvement plans
 - Other relevant information may be requested.
- 10.21 A communication plan should be developed to ensure adults and/or their representative are aware of the LSE Process and who to contact with any feedback regarding the service, whether it is positive or negative.
- 10.22 The LSE has no legal or judicial powers, but partner agencies may use the information provided to inform the use of their own specific powers under relevant legislation.
- 10.23 The LSE may make a recommendation regarding the suspension of some or all new placements/packages of support, but any decision on this will lie with the relevant commissioners and/or regulator.
- 10.24 Decisions regarding contractual/regulatory action can take place outside of a formal meeting process.
- 10.25 The LSE meetings will continue until it is clear that adults supported by the service are safe from abuse or neglect.
- 10.26 The process can be as short or as long as necessary.
- 10.27 If the safeguarding concerns have been addressed, but quality issues remain the service may be stepped down to level 3 processes.
- 10.28 If support via a level 3 process is not deemed necessary, organisations should be confident that the provider has appropriate mechanisms in place to ensure a satisfactory level of quality and safety within their service.
- 10.29 There should be an agreed plan for how the provider can access support should there be an increase in quality and/or safeguarding concerns.
- 10.30 When a service has been engaged in a level 4 process for a significant period of time, improvements are not being noted and/or significant quality concerns remain the service may be escalated to level 5 processes.

Level 5 Process – Escalation to Strategic Commissioners

- 10.31 When a service has been engaged in a level 3 or 4 process for a significant period of time, improvements are not being noted and/or significant risks or quality concerns remain the service may be escalated to level 5 processes.

- 10.32 The concerns should be shared with the relevant senior commissioning and leadership team to consider further actions.

Please note that a service may enter the Quality and Safeguarding Provider Process at any level dependent on the level of identified risk.

Information sharing

- 10.33 The use of this framework is not a replacement for day-to-day information sharing processes that exist between agencies when there are concerns about adults which must be raised in accordance the Staffordshire and Stoke-on-Trent Adult Safeguarding Procedures.
- 10.34 Both the Quality Improvement Process and the Large Scale Enquiry Process will be used as a forum to share information about a service and the well-being of adults supported by the provider.
- 10.35 The specific details (not personally identifiable information) of the organisational concerns will be fed back to multi-agency information sharing meetings between the Local Authorities, CQC and NHS partners (Quality and Safeguarding Information Sharing Meeting).
- 10.36 Refer to the Information Sharing Guidance on the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board website:

[Information sharing guidance \(ssaspb.org.uk\)](https://ssaspb.org.uk)

[One Staffordshire Information Sharing Protocol and Appendices - Staffordshire County Council](#)

Provider Failure Process

- 10.37 Section 48 of the Care Act 2014 places the responsibility on local authorities to meet the needs of adults in the event of a registered care provider being unable to continue operating. This may be due to regulatory action by the Care Quality Commission or due to business continuity issues. In these exceptional situations local authority commissioners will co-ordinate the necessary activities involving other commissioning and provider organisations to identify alternative care and support as necessary.
- 10.38 Refer to the relevant local authority for more information as to how the any provider failure process will be managed.

Media Interest

- 10.39 If there is media interest in a provider there should be contact with the relevant organisations communications department.

Appendix 10.1 Framework for Quality and Safeguarding Provider Monitoring

Agenda – Quality Improvement Process

- 1 Welcome and Introductions**
- 2 Apologies**
- 3 Reasons for the meeting**
- 4 Review of the previous minutes and matters arising**
- 5 Overview of the service**
 - Breakdown of people in receipt of care
 - Staffing
 - Insurance
 - Financial Viability
- 6 Feedback from Agencies**
 - Care Quality Commission
 - Care Market Assurance and Improvement
 - Safeguarding
 - Midlands Partnership NHS Foundation trust (MPFT)
 - Adult Learning Disability Team (ALDT)
 - Staffordshire and Stoke-on-Trent Integrated Care Board
 - Continuing Health Care (CHC)
 - Contract Management
 - Commissioning
 - Other
- 7 Feedback from the Service**
- 8 Provider action plan review**
- 9 Review of actions and next steps**
- 10 Future meetings**

Confidentiality statement: *Any information disclosed as part of these discussions should not be shared with any other person unless agreed as a specific action point.*

Appendix 10.2 Framework for Quality and Safeguarding Provider
Monitoring
Agenda – Large Scale Enquiry Strategy Discussion

1 Welcome and Introductions

2 Apologies

3 Confidentiality Statement

Any information disclosed as part of these discussions should not be shared with any other person unless agreed as a specific action point.

The following information is being requested to facilitate a risk assessment of an individual or an address to protect the health and safety of any adults with care and support needs. Only relevant information is being requested.

4 Reasons for the meeting

5 Accuracy of Minutes and Actions from the previous meeting
(if applicable)

6 Names of adults who may have been abused (including details of safeguarding concerns)

7 Criminal Offences

8 Regulatory issues

9 Current Agency Information

10 Current Provider Information

To include: Breakdown of people in receipt of care, Staffing, Insurance
Financial Viability

11 Summary of Concerns

12 Risk Assessment

13 Contractual Action

14 Enquiry Planning

15 Protection and Support Plan

- Service Provider
- Other Agencies

16 Information Sharing

17 Communication Plan

18 Future Meetings

Appendix 10.3 Framework for Quality and Safeguarding Provider Monitoring

Agenda – Large Scale Enquiry (LSE) Review Meeting

1 Welcome and Introductions

2 Apologies

3 Confidentiality Statement

Any information disclosed as part of these discussions should not be shared with any other person unless agreed as a specific action point.

4 Reasons for the meeting

- Review of enquiries
- Clarification of initial outcomes
- Assessment of current risk of harm
- Agree updated Protection and Support Plan

5 Accuracy of previous LSE Strategy Discussion/Review minutes (if applicable)

6 Review of previously agreed actions

7 Review of Adult Safeguarding Enquiries and any Outcomes

- To include reference to any adults with safeguarding plans and individual sources of risk.

8 Views of Statutory Agencies

- To include details of adults who have been reviewed since the last meeting

9 Views of Adults using the service and/or their representatives

10 Views of Provider

- To include: Breakdown of people in receipt of care, Staffing, Insurance Financial Viability & an update on their action plan.

11 Assessment of Current Risk of Harm

12 Contractual Action

13 Actions for Protection and Support Plan

- Service Provider
- Other Agencies
- To include arrangements for the reviews of adults using the service.

14 Communication Plan

15 Future Meetings