

REPORT TO: Executive Board
DATE: 23rd May 2013
REPORTING OFFICER: Strategic Director, Communities
PORTFOLIO: Health and Adults
SUBJECT: Sector Led Improvement in Adult Social Care –
Memorandum of Understanding
WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To inform Executive Board members of the approach to Sector Led Improvement (SLI) in Adult Social Care developed in the Northwest (NW) region by the Association of Directors of Adult Social Services (ADASS).

2.0 RECOMMENDATION: Executive Board is asked to :

- i) **Note the NW approach to SLI in Adult Social Care set out in this report; and**
- ii) **Endorse the approach and agree that the Council will participate by giving approval for the Chief Executive, Executive Board Member for Health and Adults and Strategic Director, Communities to sign the Memorandum of Understanding shown at Appendix 1.**

3.0 SUPPORTING INFORMATION

Background

3.1 Sector Led Improvement in Adult Social Care: The National Picture

With the Government deciding to reduce the burden of nationally imposed inspection and assessment regimes, such as the Care Quality Commission's inspection of Adult Social Care and the Comprehensive Area Assessment, a new approach to improvement, being overseen by the Local Government Association and with the support of Government, is being developed. This approach, SLI, is underpinned by a number of principles, including :-

- councils being responsible for their own performance and improvement and for leading the delivery of improved outcomes for local people in their area;
- councils being primarily accountable to local communities (not government or the inspectorates) and stronger accountability through increased transparency helps local people drive further improvement; and
- councils having a collective responsibility for the performance of the sector as a whole (evidenced by sharing best practice, offering member and officer peers, etc.)

SLI in adult social care is being taken forward nationally by the Towards Excellence in Adult Social Care (TEASC) Board. TEASC is the Partnership Board established to oversee the development of a new approach to sector-led improvement in adult social care. The Board includes representatives from the Association of Directors of Adult Social Services (ADASS), the Local Government Association (LGA), the Care Quality Commission (CQC), the Department of Health (DH), Social Care Institute for Excellence, SOLACE (Society of Local Authority Chief Executives) and the Think Local Act Personal partnership.

3.2 Sector Led Improvement in Adult Social Care: The Regional Picture

The approach adopted by NW ADASS celebrates success and excellence, sharing best practice and providing support and / or intervention from within the sector where needed. It avoids burdensome and costly processes, such as detailed inspections previously undertaken by regulatory bodies such as CQC, ensuring that local authorities make use of existing data and intelligence, and is based on a culture of collaborative working, sharing of good practice, constructive challenge and learning between councils.

3.3 The North West Towards Excellence Board

The NW Towards Excellence Board will oversee the agreed approach. It is supported by a number of regional groups which manage the process of SLI, collate and analyse performance and benchmarking information and consider and analyse financial data and intelligence.

The NW Towards Excellence Board is made up of the Chair of NW ADASS who is the Chief Executive of Tameside Council, four Directors of Adult Social Services (one of whom is the Strategic Director, Communities in Halton) representing the sub regions of the North West, service users, the Department of Health Deputy Regional Director and the Deputy Regional Director for Social Care and Partnerships (North East Region).

The North West Leadership Commission's lead Chief Executive for Adult Social Care provides a link between the work of the Board and the Commission, leaving the detail of managing risks to Adult Social Care professionals, whilst maintaining an objective overview to reduce the risk of service failure.

3.4 Memorandum of Understanding

At its last meeting, the NW Towards Excellence Board agreed that Local Authority engagement with and support for the North West's approach to SLI will best be achieved by inviting each of the 23 upper tier local authorities in the region to take a report through its Cabinet / Executive Board to get formal agreement to signing a Memorandum of Understanding (Appendix 1).

Rationale

3.5 The Northwest approach to sector led improvement.

The Northwest approach to SLI is based on a number of complementary elements of sector-led improvement, as follows:

- Thematic reviews

Each year, the Board will identify areas for thematic review to take place across all of the 23 upper tier authorities in the region. Each authority will complete a self-assessment, the outcomes of which will be pulled together into a single report on the region's strengths and areas for development for each theme for consideration by the Board. This report will be used to celebrate excellence as well as to identify areas where support may be required.

The thematic review planned for 2013/14 will focus on development of the social care market.

- Risk-based approach to peer challenge

In addition to thematic reviews, the Board has developed a risk based approach to the process of sector-led improvement, as set out in table 1 in Appendix 1 (the Memorandum of Understanding). The risk-based menu runs from support and self-help (sharing of good practice, shadowing and 'buddying' between authorities), through 'targeted support' (peer mentoring or peer review across authorities), to other forms of intervention including robust 'peer challenge' in cases where an authority is deemed to require significant external input to ensure that its adult social care services are of a quality to ensure appropriate support to vulnerable people. Peers will include Elected Members, senior officers from Adult Social Care and other individuals with specialist knowledge of social services. The Portfolio Holder for Health & Adults in Halton has expressed a desire to become a Peer and will shortly be nominated.

Thus Peer challenge may be accessed via a self-help approach, where authorities invite challenge as part of their own approach to continuous improvement, but it may also be used where the NW Board has concerns that a particular authority is not self-aware and may be at risk of failure and / or national intervention in relation to some or all of its services for adult social care.

- Risk triggers

A set of 'triggers' and corresponding menu of support have been developed in a way that encourages self-help, making use of the significant skills, knowledge and expertise that abound in the region. These are built on the principal of reciprocity, enabling authorities to share strengths and excellence whilst also tapping into the expertise and strengths of others when needed.

The risk triggers are set out in table 2 in Appendix 1, under the following 4 headings:

- Outcomes (including analysis of data including Adult Social Care Outcomes Framework (ASCOF) measures);
- Resources (financial concerns or issues arising from Annual audit letter);
- Interface with Stakeholders (user satisfaction/level of complaints/market position, authority disengaging from regional networks); and
- Other intelligence (intelligence via LGA, or other sources)

None of the above risk triggers would in themselves be seen as identifying 'critical

signs of failure'; but the expectation is that they will, when viewed 'in the round', provide the Excellence Board with adequate evidence to identify if any authority is struggling in relation to adult social care, as well flagging up areas of excellence to be celebrated.

4.0 **POLICY IMPLICATIONS**

4.1 Officers from Halton Borough Council have been involved in the development of the regional approach to SLI, through representation on the SLI planning group and working parties. We are thus in a strong position to ensure effective input to and engagement with the process, and early action on any issues of concern.

4.2 No other specific policy issues identified.

5.0 **OTHER/FINANCIAL IMPLICATIONS**

5.1 **Financial Implications**

NW ADASS has a total budget of just under £250,000 to develop and implement an effective model of SLI in Adult Social Care across the region. £150,000 of this funding came from the North West Transition Alliance, with a further £50,000 from the national TEASC Board (managed by the LGA) and the remainder being residual NW ADASS funding. Should a Peer Review be required there may be financial implications for the Council, this could include the covering of expenses for the peers. In addition, should the Portfolio Holder for Health & Adults become a Peer some financial commitment may be required for training etc.

5.2 **Legal Implications**

There are no direct legal implications. However failure to engage with sector led improvement could be detrimental to the Council's reputation nationally which could lead to more formal intervention by the LGA, ADASS nationally or Government.

6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 **Children & Young People in Halton**

None identified.

6.2 **Employment, Learning & Skills in Halton**

None identified.

6.3 **A Healthy Halton**

The activity will highlight successes and areas for development in adult social care across the NW.

6.4 **A Safer Halton**

The risk based approach to the process of sector-led improvement, will identify where an authority is deemed to require significant external input to ensure that its adult social care services are of a quality to ensure appropriate support to vulnerable people.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

- 7.1 In order to support the implementation of sector-led improvement processes as set out above, the NW Excellence Board has agreed to engage a consultant with significant senior-level adult social care experience once a year, to assess the evidence emerging from the thematic reviews and the risk-based trigger process and report their findings to the Board. It is anticipated that the first such annual review process will take place between July and October 2013.
- 7.2 The risk based approach being adopted by NW ADASS should ensure that early signs of failure in any Authority are identified before they escalate and cause significant safeguarding and reputational issues.
- 7.3 One of the main risks associated to the Local Authority if it were to 'trigger' a Peer Challenge, would be in terms of its perceived reputation. It should however be highlighted that the Peer Challenge process aims to help Local Authorities help themselves to respond to issues/areas of concern. Undertaken from the viewpoint of a friend, albeit a 'critical friend', Peer Challenges allow a team of people who understand the issues/pressures to review practices in a challenging but supportive way. It would include an assessment of current achievements, but then would also provide the Local Authority with recommendations on how further improvements could be made. It is aimed at being a constructive, collaborative and supportive process which has a central aim of helping the organisation improve. It's not an inspection, nor would it award any form of rating.
- 7.4 Failure of any Council to engage in the regional process could put that Council at risk. Even though sector-led improvement is a voluntary process, if the peer review uncovered systematic problems or the Local Authority did not make appropriate changes to issues highlighted this could lead to more formal intervention by the LGA, ADASS nationally or Government.

8.0 **EQUALITY AND DIVERSITY ISSUES**

- 8.1 None identified.

9.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

- 9.1 None under the meaning of the Act.

Memorandum of Understanding

Context

All 23 upper tier local authorities in the North West of England are committed to the principles behind sector led improvement (SLI). We individually and collectively believe that it is our responsibility to ensure that the services we provide and the approaches we take are rooted in ensuring that outcomes for adults are improved and that our populations are better off as a result of the work we do. Our ambition is that sector led improvement sits at the heart of the shift away from compliance and towards a learning and improvement culture. The approach we are adopting across the region will, over time, ensure that we develop reflective practice throughout the system and the necessary skills to embed our vision of shared learning, reflection, self-awareness and different forms of peer support and challenge leading to targeted action where needed.

We recognise this shift in approach is ambitious and will present significant challenges along the way. To achieve our aspirations we recognise that we need to change culture rather than structure and this takes time, commitment and determination. We recognise the need to invest in the development of our staff to ensure that we plan for the future and equip the next generation of the workforce to further develop the legacy created by our initial activity. Alongside the development of the necessary skills and competencies needed to work within the new cultural framework, we will develop tools to support the process and provide essential evaluative capability. In the spirit of sector led improvement we acknowledge that the tools and agreed process will evolve as they are reflected upon and improved.

We are determined that the ambitious approach we have committed to will lead to the development of next practice, rooted in system change rather than best practice which is so often invested in an individual or group. To ensure that our approach has lasting commitment we have all secured support from our Chief Executives and Lead Members. To root the agreement we all signed this Memorandum of Understanding. This move demonstrates both our commitment and determination to improve outcomes beyond those achieved already.

1. Introduction

- 1.1. This Memorandum of Understanding (MoU) is between the 23 upper tier Local Authorities that make up the North West Region.
- 1.2. The MoU sets out the agreed areas and activities in which the Local Authorities will work together to support Sector Led Improvement with the shared aims of:
 - Securing improvement work that is focused on galvanising adult social care services to achieve the best quality of provision and best possible outcomes for people, working in particular on the need to avoid service failures, improving performance in relation to the more intractable challenges and sustaining progress during a period of significant economic restraint and budget reductions.
 - Building on existing capability in adult social care services, corporately and with partners to diagnose improvement challenges, identify risks to performance and to commission effective, evidence based and value for money solutions.
 - Systematically sharing knowledge about what works across the sector and ensuring that there is effective brokerage of best practice solutions.
 - Contributing to the development and implementation of policies designed to improve the lives of service users and their families and carers.
- 1.3. The MoU is not a statutory or contractual document. It is a statement of commitment to work collaboratively to support the regional sector led improvement model.
- 1.4. The commitment of authorities relate to both providing and receiving the types of support and intervention that are set out in **Table 1** below.
- 1.5. A menu of 'triggers' has been drawn up which identifies the things to be taken into account when assessing risk across the region, and this is set out in **Table 2** below.

TABLE 1: MENU OF SUPPORT AND INTERVENTION

<p>Support (Self Help) (one or a combination of any of these)</p>	<p>Targeted Support</p>	<p>Intervention</p>
<p>Sharing good practice 'Beacon' events, networks, 'self help' regional excellence directory, matching tool</p>	<p>LGA Peer Review</p>	<p>Local Peer Challenge</p>
<p>Shadowing via existing regional or national networks</p>	<p>Peer Mentoring via existing regional or national networks</p>	<p>Peer 'consultancy' Review of service by a single regional or national peer</p>
<p>Buddying via existing regional or national networks</p>	<p>Coaching via existing regional or national networks or external provider</p>	<p>LGA Peer Review</p>
<p>Action Learning Facilitated via existing regional or national networks of externally</p>	<p>Training via existing regional or national networks or external provider</p>	
<p>Local Peer Challenge</p>	<p>Local Peer Challenge</p>	

TABLE 2: RISK TRIGGERS

Sources of data / intelligence shown in brackets in italics in each cell

<p>Outcomes An overall qualitative analysis of data sets will be undertaken to identify areas of concern rather than having a rigid formula based on % of 'red' or 'amber' measures</p>	<p>Resources (Finance and People)</p>
<p>ASCOF Measures: <i>(NW Performance Leads Group / UMU)</i></p>	<p>Financial Concerns: <i>(NW Strategic Finance Leads Group)</i> i.e. higher than average cuts to prevention budget; raised FAC eligibility criteria (i.e. to critical only); significant unexplained increase in admissions to residential or nursing care</p>
<p>TLAP Markers of Progress: <i>(InControl)</i></p>	<p>Financial Measures: <i>(NW Strategic Finance Leads Group)</i> i.e. significant change in cost metrics (significant increases in unit costs or significant reductions, which if not underpinned by a robust VFM review, may indicate a reduction in quality</p>
<p>NW ADASS Local Measures: <i>(NW Performance Leads Group / UMU)</i></p>	<p>Annual Audit Letter (in relation to financial issues): <i>(Local Authority / Committee Report / Website)</i></p>
<p>Locality Scorecard Measures (AQAA): <i>(NW Performance Leads Group / UMU)</i></p>	<p>Recruitment / retention issues / high vacancy rate / high sickness absence / significant turnover of senior staff in a relatively short time / staff surveys: <i>(SSD001 DoH return updated / validated by HR Leads Group)</i></p>

Other Intelligence	Interface with Stakeholders
<p>Failure to meet minimum standards (i.e. Level 1) on key elements of self assessment for thematic reviews: <i>(Completed self assessment following thematic review)</i></p>	<p>User Satisfaction / Complaints / Outcomes of Ombudsman referrals / Outcome of Judicial Reviews / other customer feedback: <i>(Annual Complaints Report from Scrutiny Committee; Council / Ombudsman website)</i></p>
<p>Annual Audit Letter (non-financial concerns): <i>(Local Authority / Committee Report / Website)</i></p>	<p>Annual Safeguarding Report: <i>(Local Safeguarding Board / LA website; National Data Return for vulnerable adults)</i></p>
<p>Intelligence via LGA Regional Lead i.e. perception of lack of momentum on improvement activities following LGA Peer Review: <i>(LGA Adult Social Care Lead)</i></p>	<p>NW Personalisation Report: <i>(NW Personalisation Board / Network)</i></p>
<p>Local Accounts: <i>(Council website)</i> Not doing one or vague / ambiguous / too ambitious</p>	<p>Disengaging from networks i.e. becoming insular: <i>(SLI Planning Group / NWTEB)</i></p>
<p>Quality Improvement Programme: <i>(Local authority DASS via phone or e mail)</i> i.e. System not meeting targets resulting in a significant impact on the local authority</p>	<p>Relationships with partners: <i>(Has Joint H&WB Strategy been completed and is it meeting targets; LATs, relationships with Health via Sheila Locke; questions to partners)*</i></p> <p>i.e. issues identified through local Health & Well Being Boards, VCS, providers, service users and carers; CQC Lead</p> <p>* <i>Only in the event of other concerns</i></p>
<p>Sudden political change <i>(media / local knowledge)</i></p>	<p>Market position: <i>(InControl / council websites)</i></p>
	<p>Interface with Public Health: <i>(Local Authority DASS; DPH via e mail or phone)</i></p>

NORTH WEST TOWARDS EXCELLENCE BOARD

2. Local Authority Commitment

- 2.1. By the signing of the MoU, North West Councils commit to the following:
- a) To completing self-assessments (up to two per year) in relation to the areas identified for thematic review by the North West Towards Excellence Board.
 - b) To co-operating with an annual risk assessment in relation to the 'triggers' shown in **Table 2** above. Most of the information used to inform this risk assessment will be accessed directly from other sources, but where areas of concern arise from this, the person undertaking the risk assessment on behalf of the North West Excellence Board will seek to discuss such concerns with the authority before taking a final view.
 - c) To share learning and best practice with others in the region (and nationally) where invited to do so.
 - d) To participate in networks and regional events in relation to SLI in Adult Social Care in order to share learning and to learn from others as appropriate.
 - e) To host 'Beacon' events to share excellence as and when required by the North West Towards Excellence Board. Where this is required, funding will be made available to the authority to cover the costs of such an event.
 - f) Where the authority has good practice to share and or specific skills, knowledge and / or expertise, to provide officer and member time free of charge to work with other authorities in the region. Activities may include peer mentoring, shadowing, coaching, the provision of training, buddying or involvement in more formal peer challenge teams as set out in **Table 1** above.
 - g) The amount of officer and member time each authority is asked to contribute will not be excessive. If an authority believes that it is being asked to provide a disproportionate amount of time, it should challenge this by approaching the relevant sub regional DASS on the North West Towards Excellence Board.
 - h) To use the risk 'triggers' shown in **Table 2** as an informal annual self-assessment or checklist and where the authority believes it is prudent to do so, to avail itself of the support mechanisms available either directly or by raising this with the relevant sub regional DASS on the North West Towards Excellence Board.
 - i) To accept such targeted support or intervention as shown in **Table 1** as the North West Towards Excellence Board deems

necessary following the annual risk assessment and to participate fully in any such support or intervention provided.

3. Implementation

- 3.1. This MoU commences in April 2013 and will remain in force until such time as it is revoked by the parties.
- 3.2. The MoU will be reviewed after April 2014 when the North West Towards Excellence Board evaluates and reviews the North West approach to SLI in Adult Social Care, and may otherwise be reviewed at any time at the request of any party.

4. Commitment

Signatures provided below show the commitment to North West ADASS's approach to Sector Led Improvement in Adult Social Care of the Director of Adult Social Care, Lead Member for Adult Social Care and Chief Executive of the council.

Local Authority: Halton Borough Council

Chief Executive of the Council:

David Parr

Signed:

Date:

Lead Member for Adult Social Care

Cllr Marie Wright

Signed:

Date:

Director of Adult Social Care

Dwayne Johnson

Signed:

Date: