

REPORT TO: Health Policy & Performance Board
DATE: 8 September 2015
REPORTING OFFICER: Strategic Director, Communities
PORTFOLIO: Health and Wellbeing
SUBJECT: Service Closure Policies and Procedures
WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To present a suite of policies and procedures that make up the Service Closure Policy within the adult social care market.

2.0 RECOMMENDATION: That the Board note the contents of the policies and procedures attached within Appendices 1, 2 and 3.

3.0 SUPPORTING INFORMATION

3.1 From April 2015 the Care Act (the Act) required local authorities to help develop a social care market that delivers a wide range of sustainable high-quality care and support services, and places responsibility on local authorities to deliver a duty to ensure that needs are met, including when there is a planned or emergency disruption to services.

3.2 In particular, the Act is explicit in the local authority's responsibility to use market intelligence to have sound market oversight in order to develop a suitable local care and support market, foresee potential risks to disruption to services (i.e. through business failure, withdrawal from market, regulatory compliance etc.) and undertake preventive action to avoid and/or minimise disruption in the event of a care service closure.

3.3 The Act introduces a new role for the Care Quality Commission in overseeing the financial stability of the most hard-to-replace care providers (i.e. providers who deliver across a number of geographical locations), and to ensure people's care is not interrupted if any of these providers fail. It also describes the responsibilities of a local authority if a local care provider fails.

3.4 The Act makes it clear that local authorities have a temporary duty to ensure that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure, no matter what type of care they are receiving.

Local authorities have a responsibility towards all people receiving care. This is regardless of whether they pay for their care themselves, the local authority pays for it, or whether it is funded in any other way.

3.5 **Policy Development**

In line with the new requirements on the local authority, three policies and procedure documents that make up the 'Service Closure Policies' have been developed:

- **An overarching policy in relation to market oversight:** Intelligence gathering, contract monitoring, identifying risks in service continuity, responding to risks, preventing service closure
- **A policy and procedure for responding to a planned service closure:** Covering domiciliary, residential and supported living services. Planned closures may occur for a number of reasons, including business failure, decommissioning or contract default.
- **A policy and procedure for responding to an unplanned service closure:** Covering domiciliary, residential and supported living services, where there is little or no warning of disruption to, or closure of, a service. This may be due to a number of reasons, including fire, flood, disease outbreak, immediate and significant risk of safety.

3.6 The policy and procedure documents provide the protocol to follow in the event of a planned or unplanned service closure, in line with the requirements of the Act, supported by resources such as flowcharts, checklists and templates.

4.0 **POLICY IMPLICATIONS**

4.1 The Act describes the local authority's responsibilities of meeting individual's needs, in particular in the event of business failure or other service disruption.

4.2 Sections 18 and 20 of the Care Act set out when a local authority must meet a person's eligible needs. They place duties on the local authority. If the circumstances described in the sections apply and the needs are eligible, the local authority must meet the needs in question. These duties apply whether or not business failure is an issue. The temporary duty only applies in so far as the local authority is not already required to meet needs.

4.3 Section 19 of the Care Act covers the circumstances where care and support needs may be met i.e. circumstances where no duties arise under section 18 but the local authority may nevertheless meet an adult's needs. In particular, section 19(3) permits a local authority to meet needs which appear to it to be urgent. This is

likely to be the case in many situations where services are interrupted but business failure is not the cause.

5.0 **OTHER/FINANCIAL IMPLICATIONS**

5.1 Section 4.0 highlights that there may be circumstances where the Council may need to intervene to support vulnerable people. In these events the Council will use the Community Care Budget to support their needs of a temporary basis.

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 suite of policies contained in this report relate directly to the health and wellbeing of individuals who access care and support within the scope of the policies.

6.4 **A Safer Halton**

None identified.

6.5 **Halton's Urban Renewal**

None identified.

7.0 **RISK ANALYSIS**

7.1 None identified at this time.

8.0 **EQUALITY AND DIVERSITY ISSUES**

8.1 None identified at this stage.

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

None.