

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Approval to implement the Minimum Quality Standards for Day Services
<b>Decision Maker:</b>	Barbara Nicholls, Strategic Director of People
<b>Cabinet Member:</b>	Councillor Gillian Ford, Cabinet Member for Health and Adult Care Services
<b>SLT Lead:</b>	Barbara Nicholls, Strategic Director of People
<b>Report Author and contact details:</b>	Laura Wheatley Email: <a href="mailto:Laura.wheatley@havering.gov.uk">Laura.wheatley@havering.gov.uk</a> Telephone: 01708 434019
<b>Policy context:</b>	The Adult Social Care and Support Planning Policy states that Havering's vision is: "Supporting excellent outcomes for the people of Havering by helping communities to help themselves and targeting resources and interventions to encourage independence".
<b>Financial summary:</b>	There are no financial implications of this change.
<b>Reason decision is Key</b>	Significant effect on two or more Wards
<b>Date notice given of intended decision:</b>	16/05/2023
<b>Relevant OSC:</b>	People
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

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**The subject matter of this report deals with the following Council Objectives**

People - Things that matter for residents      **X**

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

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### Part A – Report seeking decision

#### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the implementation of the Minimum Quality Standards for Adult Day Services.

The standards described (Minimum Quality Standards) in this document are what each individual service user can expect from an adult day service provider and focus on the quality of life that the service user using the service actually experiences. They reflect an approach to care and support that will meet each individual's preferred lifestyle

#### AUTHORITY UNDER WHICH DECISION IS MADE

Havering Constitution:

##### **Section 3.3 Powers of Members of the Senior Leadership Team**

Members of the Senior Leadership Team (SLT) have delegated authority to act within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 of the Constitution.

To make arrangements to secure continuous improvement in the way the Council's functions are exercised having regard to a combination of economy, efficiency and effectiveness etc. as required by external regulatory agencies.

#### STATEMENT OF THE REASONS FOR THE DECISION

##### **Background**

Adult Day Services are not subject to Registration or Inspection by the Care Quality Commission (CQC). The framework for the registration of health and adult social care providers in England, which came into force in April 2010 states that day service providers who provide personal care will not be regulated by the Care Quality Commission.

The Department of Health retained consultative proposals to exclude day service settings that provide personal care from registration, on the basis that users are likely to be at relatively low risk, though it promised to keep this under review. Day Services are currently unregulated in England.

In the absence of a national position we and London Boroughs of Newham, Redbridge and Waltham Forest have decided to do what we can locally in attempt to address this, drive up standards and improve the sharing of info and reduce the burden on providers who do work for multiple boroughs by streamlining the forms and making the monitoring processes more efficient by reducing duplication.

##### **Overview**

This document sets out minimum standards for day service providers. The standards specify the arrangements, facilities and procedures that need to be in place to ensure the delivery of a quality service. These standards apply to:

- Adult Day Service providers, and
- Services to adults provided as outreach from a day service, as relevant and appropriate.

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These services are targeted at persons aged 18 years and over. They are designed to meet the assessed needs of individuals for care, support, supervision or rehabilitation by reason of mental illness, functional impairment, cognitive impairment, learning disability, ill-health, age, family, or life circumstances.

The standards will be used by:

- Service commissioners, for the planning, commissioning, quality assurance, performance management and service review;
- Service providers, to benchmark the quality of the service they provide and to improve quality for service users;
- Service users and their representatives, to inform them of what they can and should reasonably expect from day services and from the organisations and individuals commissioning and providing them;
- Staff, to inform them of the principles underpinning the standards; of the requirements for needs assessment, care planning, service delivery and review; and of what they can and should reasonably expect from the organisations employing them; and
- Members of the public, to understand how day care services work and the important contribution they make to supporting individuals to live in their own homes for as long as it is appropriate and safe for them to do so.

These standards have been drafted to meet the needs of all adult client groups. A key principle within these standards is that people in receipt of services must be central in all aspects of planning, delivery, and review of their care.

### **Minimum Quality Standards**

The standards described (Minimum Quality Standards) in this document are what each individual service user can expect from the day service provider and focus on the quality of life that the service user using the service actually experiences. They reflect an approach to care and support that will meet each individual's preferred lifestyle; they embrace the following values:

- Privacy - A right to have privacy and property respected and to receive the time, the space and the facilities they need. To be free from intrusion as long as it is safe for the service user and for others using the service.
- Dignity - A right to be treated with dignity and respect at all times; and enjoy a full range of social relationships.
- Choice - A right to make informed choices, whilst recognising the rights of others to do the same. To know about the range of choices and get help to fully understand the options and choose the one that is right for the individual.
- Safety - A right to feel safe and secure in all aspects of life but not to be over protected. To be free from exploitation and abuse.

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- Fulfilment - A right to live an independent life, rich in purpose and meaning and personal fulfilment; to have the opportunity to achieve all that can be achieved; to make full use of the resources that are available to make the most of life.
- Equality & Diversity - A right to be valued for ethnic background, language and culture; to be able to express sexuality and have that respected; to be free from bullying, harassment and discrimination and to be able to complain without fear of victimisation.

The standards are the minimum provisions below which no provider is expected to operate. The document outlines what is expected of providers and it is split into ten standards:

1. Making Informed Decisions - A prospective service user has all the information needed to help make an informed decision about whether or not to use the services.
2. Assessment of Need - Each service user must have an assessment of their needs and person centred plan with regard to the service provided.
3. Contract/Agreement - Each service user must have a contract/agreement detailing the services to be provided.
4. Activities - The services provide a structured programme of varied activities and events related to its statement of purpose.
5. Environment & Transport - The environment and transport must be safe, well maintained and sustainable to meet the needs of the Service users.
6. Provider Responsibilities - Good quality support and care must be provided by the service provider's service whose professional training, qualifications and expertise enables them to meet the service users' needs.
7. Safeguarding - Service users must be safeguarded from abuse.
8. Compliments & Complaints - All complaints must be treated seriously and responded to promptly and effectively.
9. Policies & Procedures - The service provider must have policies and procedures in place which ensure the quality of care and services.
10. Quality & Improvement - The service provider must have systems in place to assess the quality of the service and make provision for improvement and development.

### **Benefits**

- Service users will experience quality care and support when they are fully informed and enabled to participate to the fullest extent in decision making affecting their lives, and in the planning and evaluation of services.
- Having an open, responsive and caring approach in a day service setting, is paramount to the delivery of quality services.
- Service users will be empowered to strongly encourage a proactive engagement and a real partnership with them to ensure they feel fully involved in the operation of the service.

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- The use of informal feedback mechanisms to gain the views of service users will provide managers and staff with essential information about improvements that can be made.
- Listening to and responding to compliments, comments and complaints will also be important in shaping the day service.
- Service users will benefit from programmes with opportunities to develop skills for life and work.
- Programmes that are interesting, fulfilling and creative; provide opportunities that reflect service user interests; and have variety, spontaneity and flexibility will enhance a service users experience.
- Day care settings committed to meeting the minimum standards and continual improvement will provide fulfilling life opportunities, best care and support and the agreed outcomes for service users.
- Being able to monitor quality of the day service market and share information to enable us to act and intervene swiftly when an issue arises.
- Better value for money for LBH as we can draw on other boroughs for reports about providers on their patch which, increases efficiency, reduces duplication, makes us more responsive to quality issues and increases control over the day service market.

### **Implementation**

The Minimum Quality Standards for Day Services will be launched in conjunction initially with the London Boroughs of Newham, Redbridge and Waltham Forest with the view to expand to the remaining NEL Boroughs after a successful implementation period.

Each Borough's Quality Team will be responsible for completing an annual visit/audit with the day services that are based in their Borough to review the quality of the service.

Audits completed will then be shared with the other Boroughs to ensure that clients attending from out of Borough are receiving the same quality of service.

## **OTHER OPTIONS CONSIDERED AND REJECTED**

**Option 1** – Do nothing, continue as is.

This option has been rejected because the issues set out in the report would continue.

## **PRE-DECISION CONSULTATION**

Discussions have been had with internal stakeholders in Adult Social Care, Quality Team and Joint Commissioning Unit.

A working group has been set up with other NEL boroughs so that we can jointly launch the minimum quality standards across our boroughs.

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**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Laura Wheatley

Designation: Senior Commissioner & Project Manager

Signature: *LWheatley*

Date:03/07/2023

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Local Authority has a duty to provide care and support to those individuals assessed as needing this pursuant to assessments under Part 1 Care Act 2014.

There is also a duty to arrange for direct payments to eligible service users under ss31-33 Care Act.

The care and support required for eligible individuals may include day care services. This may be directly commissioned by the Council or paid for by the service user out of their direct payment.

If any arrangements are made by the Council then it would be possible to include these standards as contractual conditions, and therefore any failure to comply could result in breaches of contract. If service users make their own arrangements, then these standards could not be directly imposed on the day care providers. However, they could be encouraged to adhere to them by persuasion, etc.

The proposed Standards are reasonable and appropriate to impose as requirements on day care providers in the sector.

### FINANCIAL IMPLICATIONS AND RISKS

There are no Financial implications or risks.

### HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resources implications and risks.

### EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- I. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- II. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- III. Foster good relations between those who have protected characteristics and those who do not.



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Note: 'protected characteristics' are: age, gender, race and disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants. The tri-borough quality standards for day services will ensure safety, effectiveness and positive experience for Havering residents with disabilities who will seek day services in Havering and two neighboring boroughs.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

There are no Environmental and climate change implications and risks.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

Appendix A – Minimum Quality Standards for Day Services

**Key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_