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**Somerset Care Provider**

**Commissioning & Quality Board**

**Terms of Reference**

1. **Purpose**

Somerset Council and NHS Somerset first established a quarterly Care Provider Commissioning and Quality Board in March 2017.

These Terms of Reference set out the current membership, remit, responsibilities and reporting arrangements of the Board.

The purpose of the Board is to support clearer evidence-based commissioning and de-commissioning decision-making relative to the ongoing quality and safeguarding concerns in our care market.

It also enables strategic-level intelligence sharing in partnership with the regulator, the Care Quality Commission, and other key stakeholders. This supplements the routine operational intel-sharing that takes place across local system partners.

The Board will:

* Cover care providers delivering services in Somerset, eg residential and nursing providers, domiciliary care including supported living. The Board’s remit does not extend to regulated health provisions.
* Hear cases of local failing care providers from operational staff involved in Quality Improvement activity outlined within our joint Care Provider quality assurance policy;
* Provide a strategic steer and decision-making function for failing care providers, including the potential de-commissioning of such service;
* Ensure a decision-making pathway is followed that aligns with policy and contractual expectations, and ensures a transparent approach is taken in informing providers of its work and expectations in line with duty of candour requirements;
* Ensure high-performing care providers are recognised and celebrated, and promote learning from good practice across the system;
* Update the joint Quality Assurance Policy as and when required.

Any initiation of a de-commissioning proposal must be based on tangible evidence and detailed consideration must be given to adverse impact of the decision, with risks identified clearly documented. Information to support with and inform decision-making should include:

* CQC Compliance history over past 3 years;
* Quality Improvement / safeguarding history, with associated Local Authority / Health Commissioning status;
* Key headline concerns;
* Operational recommendations re: warning notices etc;
* Any learning / recommendations to emerge from single/multi-agency case reviews;
* Annual spend with the provider / financial viability / market risk intelligence;
* The nature of service provision and volume of service users.

Action taken will be proportionate to the identified issues and may include the following factors: significance of the issue; the risk involved - including persistent and serious risk/s to resident safety; breach of contract; the strategic fit of the service; the provider failing to demonstrably delivering on agreed outcomes following mutually agreed remedial action.

The Board can issue providers with a Rectification Notice (including when a provider receives a series of 2 or more sustained inspection outcomes of less than ‘Good’ overall) or Final Warning Notice, and has decision making authority to suspend (or continue to suspend) commissioning from the provider until such time that minimum quality standards are met.

The Board also has the right to terminate contracting arrangements with the provider if quality standards are consistently not met or improvements fail to be sustained as evidenced by the CQC, Quality Assurance and/or safeguarding outcomes.

NHS Somerset is unable to de-commission FNC for all funders but can do so for CHC funding. It is therefore recognised that self-funders may choose to continue buying services in a provider where the LA has de-commissioned services.

Where the LA decommissions services from a provider, the Local Authority will maintain safeguarding oversight and statutory responsibilities.

A maximum timescale for improvement of 6 months from referral to the Board is expected, depending on provider size, scale and nature of the service in question – this will rely in part on timely CQC re-inspection. This aligns expectations with the CQC who set a 6 month timeframe for improvement where homes are put in special measures. Providers should be able to evidence sustained improvement to levels acceptable by the Commissioning & Quality Board.

Where a provider comes out of ‘final warning’ route due to evidenced improvement, the Board will expect review in six months to demonstrate sustainability.

1. **Reporting arrangements and governance**

Papers to be issued to all members a week in advance of the meeting.

All meetings shall be recorded and a record kept of papers shared; following the meetings all members will receive a copy of meeting transcripts alongside any specific actions emerging.

Significant system-wide quality issues to be reported through to the Somerset System Quality Group as and where appropriate.

1. **Membership**

The membership of the Commissioning & Quality Board is listed at Appendix 1.

Members are expected to attend at least 3 out of the 4 scheduled meetings, and to send a suitable organisational representative where they are unable to attend.

The Board will include representation from senior staff in the Local Authority and NHS Somerset that have not had direct involvement in operational levele quality improvement processes in order to offer further independent oversight and scrutiny for significant decisions made.

1. **Appointment of Chairs**

The Chair and Vice Chair will be appointed by the Board.

It has been agreed that the role of Chair and Vice Chair will rotate on an annual basis between the Local Authority and NHS Somerset:

|  |  |
| --- | --- |
| 2023/24 | Local Authority Adult Social Care |
| 2024/25 | NHS Somerset |
| 2025/26 | Local Authority Adult Social Care |
| 2026/27 | NHS Somerset |

1. **Quoracy**

The quorum for meetings shall be not less than four members and shall include:

* An NHS Somerset Safeguarding and Commissioning representative
* A Manager from the Local Authority’s Quality & Performance Service
* A Strategic Commissioner from the Local Authority
* A Strategic Commissioner from NHS Somerset

If the quorum has not been reached then the meeting may proceed if those attending agree, but any record of the meeting should be clearly indicated as notes rather than formal minutes and no decisions may be taken by the non-quorate meeting of the Board.

In situations where major issues occur requiring urgent decisions outside of regular, scheduled quarterly meetings, decision-making via virtual meetings, email and/ or teleconference will be undertaken.

1. **Review of the Terms of Reference**

The Terms of Reference will be reviewed annually as a minimum, or as and when required. Any proposed changes to the Terms of Reference of the Commissioning & Quality Board must be approved by the Board.

**Appendix 1 – Membership**

Membership of the Somerset Care Provider Commissioning & Quality Board to comprise of the following:

|  |  |  |
| --- | --- | --- |
| **Name** | **Role** | **Organisation** |
| **Decision makers:** | | |
| Paul Coles | Deputy Director (Commissioning), Adult Social Care | Somerset Council |
| Niki Shaw | Deputy Director (Strategy, Transformation and Performance) | Somerset Council |
| Lynette Emsley | Associate Director of Continuing Healthcare Services / Directorate of Quality and Nursing | NHS Somerset |
| Stephen Miles  James Cawley  Iona Brimson | Strategic Commissioning Managers | Somerset Council |
| **Advisors / contributors:** | | |
| Paul Chapman | Operations Manager - Somerset | Care Quality Commission |
| Kelly Senior | Quality Assurance and Contracts Service Manager | Somerset Council |
| Clare Woodhead | Continuing Healthcare, Safeguarding, Quality and Court of Protection Manager | NHS Somerset |
| Jo Hawkins | Quality Lead – Care Homes and Community | NHS Somerset |
| **Optional attendees:** | | |
| *Tracy Evans* | *Service Group Director -*  *Neighbourhoods and Communities* | *Somerset Partnership Trust* |
| *Eelke Zoestbergen* | *Quality Lead for Mental Health, Learning Disabilities and Autism* | *NHS Somerset* |
| *Julia Mason* | *Designated Nurse for Safeguarding* | *NHS Somerset* |
| *Louise White* | *Service Manager – Safeguarding* | *Somerset Council* |

*Reviewed and approved: 17 November 2023*