

## **APPENDIX A**

### **SUSPENSION OF PLACEMENTS GUIDANCE**

#### **LEICESTERSHIRE COUNTY COUNCIL ADULTS AND COMMUNITIES**

##### **Guidance for Suspension of Residential and Nursing Care Placements**

###### **Introduction**

1. The aim of this document is to outline and give clarity to Providers of the circumstances surrounding the temporary suspension of new placements and the protection of residents already placed within the Service and in respect of actions to be undertaken where there are serious breaches in the terms and conditions of the Core Contract made between the Authority and Providers
2. Where a breach of contract has been clearly identified (which places Resident's at significant risk and/or the care needs of Resident's are compromised) the aim of the Authority will be for the Authority to work with the Provider and other agencies/commissioners to address and remedy such breaches as a matter of urgency.
3. The suspension of new placements is not a measure the Authority takes lightly and will only occur when there has been a serious breach in the terms and conditions of the Core Contract or other serious circumstances.
4. The Authority has two stages in relation to suspension available; these being Informal and the Formal suspension of placements. The type of suspension will be dependent on the circumstances and the risk to Residents' health, safety and well-being.
5. It is a responsibility of the Authority to monitor Providers of residential/nursing care to ensure the terms and conditions of the Core Contract including the service specification are being adhered to.
6. The Authority in addition to ensuring Providers are meeting their contractual obligations for people who are funded by the Authority, and joint funded continuing care placements, will also seek to work with Providers to ensure self-funding residents and people who are funded by other Authorities receive the same level of service provision, quality and levels of protection.
7. Details in relation to this requirement for residential and nursing care are contained within the Service Specification (Schedule1).
8. The Authority is committed to working in an open and honest way with Providers to ensure contractual compliance and will work in partnership with Providers and other agencies to remedy breaches.

9. The Authority will offer to support the Provider to make any improvements – the Quality Team can work with Providers and offer to support them with resources, tools and support.

### **Framework for decision being made for suspension of placements**

10. The Authority will consider suspending placements with a Service on either an Informal or Formal basis in line with the framework outlined within the section below.
11. Where there has been a serious risk to the health, safety and well-being of Residents' or a breach or breaches in the terms of the Core Contract it is the intention of the Authority to firstly consider an 'Informal' suspension of new placements, on the proviso the Provider makes a commitment to working with the Authority to address the concerns in accordance with the timescales imposed. The Informal suspension requires the agreement and support of the Provider not to accept any new placements into the Service regardless of funding stream.
12. It will not be possible in all cases to consider an Informal suspension in the first instance. Where the risk or the severity of the breach or breaches is at a level where it is considered immediate action by the Provider must be taken to secure the health, safety and well-being of all Resident's, only a Formal suspension will be deemed appropriate.
13. Where the Authority takes the decision to suspend placements this information will be shared with partner agencies and the Care Quality Commission (CQC).

### **Methods of communication with Providers – Informal Suspension**

14. The Authority will require the Provider to draw up an action plan to address the concerns. There will need to be a timescale attached to the production and implementation of the action plan. The action plan should be submitted to the contracts officer who carried out the contract monitoring visit. A timeframe for this will be agreed with the contracts officer.
15. In addition to the action plan, the Provider must confirm in writing within 1 working day of receipt of the Informal suspension of placement notification their agreement to comply with the terms and conditions of the Informal suspension as set out in the Informal Suspension notification.
16. In the notification advising the Provider of the suspension on new placements a timescale of up to 12 weeks (which will be determined by the Authority (will be based upon the level of risk to service users) will be given to the Provider. The Provider must be able to demonstrate and evidence they are actively working with the Authority to remedy the breaches of the Core Contract or concerns about the service provision within the stated timescale.
17. Where the Provider can demonstrate, and evidence progress has been made within the timescale as referred to in paragraph 13, the Authority may extend

this timescale for other actions to be completed. The Provider will receive written notification of this extension.

18. Where the Provider is unable to demonstrate, and evidence progress has been made within the timescales stated or in the event further concerns have arisen in respect of the Service whilst an Informal suspension of placements is in place, whether an action plan has been completed, the Authority may elect to implement a Formal suspension of placements immediately.
19. Quality and Contracts team officers including the Senior Quality Manager will be available to discuss the contents of the action plan and issues leading to the Informal suspension of placements. In addition, officers will work with the Provider to address issues of non-compliance with the contract. Officers will look at methods of support to the Provider to remedy breaches in order that any suspension can be lifted as soon as all the issues identified have been addressed to the satisfaction of the Authority.
20. Where the suspension of placements is a result of an investigation under the Multi-Agency Policy and Procedure other agencies including CCG and CQC may make proposals the Provider will be expected to implement.

#### **Methods of communication with Providers – Formal Suspension**

21. Circumstances in which the decision has been reached to Formally suspend placements will vary depending on the nature and severity of the risk and/or breach or breaches of a contract. Providers should note a decision to Formally suspend placements may also be made as a result of an investigation under the Multi-Agency Policy and Procedure or where attempts to engage a Provider in discussions and methods to address less serious breaches of the contract or concerns about the service provision have proved unsuccessful. However, it is the aim of the Authority to work openly and honestly with Providers should the step of Formal suspension of placements be deemed as the only course of action left for the Authority.
22. The Provider of the Service will be notified in writing by the Authority of the circumstances surrounding the imposition of a Formal temporary suspension of placements by the Authority and the reasons for the decision to suspend.
23. The Authority will require the Provider to draw up an action plan to address the breaches of the contract. There will need to be a timescale attached to the production and implementation of the action plan. The action plan should be submitted to the contracts officer who carried out the contract monitoring visit.
24. In addition to the action plan, the Provider must confirm in writing within 2 working days of receipt of the Informal suspension of placement notification their agreement to comply with the terms and conditions of the Informal suspension as set out in the Informal Suspension notification.

25. In the notification advising the Provider of the suspension on new placements a timescale of up to 12 weeks (which will be determined by the Authority (will be based upon the perceived level of risk to service users) will be given to the Provider. The Provider must be able to demonstrate and evidence they are actively working with the Authority to remedy the breaches of the Core Contract or concerns about the service provision within the stated timescale.
26. Where a Formal suspension of placements has resulted from non-compliance with the conditions set in an Informal suspension, or where the Provider has been unable to evidence satisfactory progress of an action plan requested under an Informal suspension, a revised timescale of up to 12 weeks (which will be determined by the Authority (this will be based upon the level of risk to Resident's) will be given to the Provider.
27. The Provider upon request and following written notification to Formally suspend new placements to the Care Home/Provider will make available to the Authority information regarding the names of all Residents' who are funded by any other body and people who fund their own care within 2 working days of notification of the Formal Suspension.

**Methods of communication with resident's/relatives, other funding authorities and people who self-funding their care where a decision to Formally suspend placements/packages/payments has been taken.**

28. The decision to Formally suspend placements to a Service will be shared with all residents who are funded by the Authority (or their relatives or legal representative as appropriate), other funding authorities, and people who are self-funding their care. The aim of this process is to advise and demonstrate to all relevant parties the Authority are actively engaging with the Provider to remedy breaches in contracts, and the health, safety and well-being of Resident's is being closely monitored by the Authority.
29. The initial method of contact to Resident's (or their relatives or legal representative), other funding authorities and people who are self-funding their care will be by notification. The content of this notification will inform the relevant parties the Authority has temporarily stopped making any further placements at the Service due to the concerns they have about the service provision at the Service.
30. Parties will be informed the Authority is currently working closely with the Provider to raise the standards of the service currently being delivered and the Residents/relatives/legal representatives will be invited to a meeting at the Service or a meeting with the Provider to discuss the issues. The Provider will be expected to support the suspension process and will arrange a residents/relatives meeting (where necessary) to discuss the issues around service provision to which all Residents/relatives/legal representatives will be invited along with appropriate representatives from the Authority and other agencies.

31. Where a relatives and residents meeting is deemed as necessary, the timescale for advising the relevant parties of the suspension will be within 10 days following the date of the suspension notification. The Provider will arrange a residents/relative meeting within a further 5 days of the date of the letter to Residents /relatives and other agencies.

### **The protection of residents who remain placed at the home, where placements have been suspended**

32. The protection and safety of Residents already placed within a Service in which the decision has been reached to make a temporary suspension of placements is paramount. Where there are concerns raised that such safety is at risk the Authority will seek the assurance of the Provider they will remedy breaches in the contract immediately.
33. The Authority will closely monitor the service provided during the suspension of placements as follows:
- A review of individual Resident's needs by operational staff including where appropriate input from a health professional;
  - Announced and/or unannounced visits to the Service by an authorised officer from the Authority.
34. Where immediate action to remedy a breach is not forthcoming or not possible and there is an ongoing failure by a Provider to address issues within the stated timescale (paragraph 13 and 22), it is likely the Authority will take the following action:
- Whether after consultation with the Authority's Legal Services Department, officers will look for alternative placements for Residents.
  - The termination by the Authority of the Core Contract.

### **Procedure for Lifting the Suspension**

35. Once all the essential actions outlined in the suspension of placement notification and contract monitoring report and the action plan have been addressed and unless there have been no new issues that have been brought to light the Authority will write to the Provider to advise them the suspension of placements has been lifted. This may be on a phased basis to ensure the Provider is able to maintain the progress.