

London Borough of Enfield

General Purposes Committee

Meeting Date 15/10/2020

Subject: Brokerage Update Report
Cabinet Member: Councillor Alev Cazimoglu
Executive Director: Tony Theodoulou

Purpose of Report

1. Brokerage is responsible for the commissioning of all social care support packages, including, care home placements, domiciliary care, & day care. The service also oversees people being discharged from hospital or require a care service. For further information, please see (Appendix A)

A Commissioning (Brokerage) audit was undertaken as part of the 2018/19 Audit Plan. The 2018/19 Audit Plan was approved by the Audit & Risk Management Committee on 7th March 2018.

The service was audited in order to ensure that appropriate processes and governance arrangements were in place regarding the allocation of new business to Enfield's provider market.

The audit report was issued in March 2019 and Reasonable Assurance was considered the appropriate assurance opinion.

The report was identified as being of special interest and the Audit & Risk Management Committee reviewed this report on 3rd October 2019. It was requested that a further follow up review was completed. Terms of reference were issued, and the review completed in December 2019. All initial findings have now been implemented/remediated and closed as a result. Please see Appendix B

This report provides further assurance to the audit committee that all recommendations have been actioned. Appendices are attached to this report as supporting evidence. Furthermore, a monthly assurance process is in place where information contained within the appendices is reviewed.

Proposal(s)

2. **The recommendations from the audit committee meetings on were as follows:**

Selection of Care – Implemented
Policy Documentation – Implemented
Documentation on CareFirst System - Implemented

Please see attached letter noting that internal Audit are satisfied and that all recommendations have been actioned. (Appendix B)

The report is for noting and the proposal is that this item is now removed from the Audit Committee's work plan.

Reason for Proposal(s)

3. Please see attached Appendix B letter from internal Audit noting all actions are closed.

Relevance to the Council Plan

4. The work undertaken by the brokerage service fits with the Council's strategic aims:

Safe, healthy and confident – service users and their families are supported to make informed choices when it comes to their care and support arrangements, exercising as much flexibility, choice and control as they require.

An economy that works for everyone – There is transparency and accountability in the decision-making process with regards to the allocation of packages of support across our local care providers.

Background

Brokerage was audited on the 13th March 2019 and Reasonable Assurance was considered the appropriate assurance opinion. Following this, the report was identified as being of special interest and the Audit & Risk Management Committee reviewed this report on 3rd October 2019. It was requested that a further follow up review was completed. All initial findings have now been implemented/remediated and closed as a result. Please see Appendix B

Main Considerations for the Council

6. This item has been presented to two audit committee meetings and all actions required have been met as evidence in Appendix B. Continuous assurance processes are in place as evidence by further appendices which are reviewed at least monthly. See below the detailed actions previously reviewed:

Selection of Care:

When multiple care providers confirm that they can provide care to a service user, it is normally the responsibility of the service user or their next of kin to select a provider as the Council applies the Direct Payments model where possible. For non-direct payments cases, the Council still allows the service user to choose a care provider in the first instance. The total financial amount of Council managed payments and of direct payments is as follows:

- Direct Payments £20.52m
- Council managed £6.85m

Where the service user or next of kin selects a provider, there is no documented policy around what contextual information on the providers is given to service users by the Council to support an informed decision. In addition, sometimes the Council is required to select a provider, most commonly because the service user is unable or unwilling to make the decision. There is currently no defined policy over what information is provided to the service user to enable an informed decision.

In these cases, the Council will first prioritise providers where price is in line with the Council's agreed rates. Where there are multiple providers that do this, the Council will select a provider, relying on the knowledge and experience of its officers. Brokerage Officers sometimes consider criteria such as Care Quality Commission (CQC) inspection ratings or geography and are also instructed to informally rotate providers to avoid denying market access, as is required under Direct Payments regulation. We were advised that care providers should be preassessed for quality before appearing on CarePlace. However, there are no clearly defined criteria for selecting a provider in these circumstances and we saw varied means of selecting. For example, in our sample of 25 cases we noted one case where a provider was selected based on CQC rating, and another where a provider was selected because the other three providers had been recently used by that broker. There is no formal tracking across the Service of the rotation of providers. Reports are run on an ad hoc basis to show acceptances by provider, for example to gather information to respond if a provider believes it is not receiving sufficient cases. However, there is no periodic system to proactively monitor the rotation of providers.

In our sample of 25 cases, we identified five cases where the Council selected a provider based on non-price factors. This is not an issue in itself, but these are the cases where the finding described may leave the Council open to challenge.

Implemented Finding: Closed It was evident that the process documentation has been updated to include details of the justification for selecting care providers with the aim of ensuring that brokers maintain records of their care provider selection decision. Despite this action being fully remediated, the policy document requires further updates to ensure clarity when officers discuss the basis of selecting providers. We have also confirmed that a monthly report detailing care providers used, is run and is independently monitored by the Brokerage Team Manager to ensure that market access is being appropriately rotated. This action has been fully remediated. Please see Appendix C, D & E

Policy Documentation

Whilst the Service has a detailed process document which is followed by brokers, there is no overarching policy document setting out the purpose and objective of the Service. We would expect such a policy to include: – The overall objective of the Service. – How this objective aligns with the Council's strategic priorities. – A summary of the key responsibilities of the Service and tasks performed (we note that these are described in detail in the process document). – The resource required by the Service to achieve its objective. Any policy should be approved at senior level and reviewed regularly.

Implemented Finding: Closed An overarching policy document has been implemented. This sets out the purpose and objective of the Service and includes

key tasks performed, required resourcing and key relationships held. We have been advised by the Brokerage Manager that this has been reviewed and approved by the Director of Health and Adult Social Care. Please see Appendix A & F)

Documentation on CareFirst System

All information relating to cases is stored in Eclipse now. This includes Service User Support Plans and Financial Assessment documentation, records of the tender process and communication with Service providers, and notes explaining any consultations and how key case decisions were made. For a sample of 25 cases concluded between April and December 2018, we noted that in three cases (12%), there was no information on the system demonstrating how the Care Provider had been selected. It was not obvious whether these were selected by the Council or by the Service User. In all three cases, there had been multiple bidders at Enfield's agreed rate.

Implemented Finding: Closed It was noted that efforts have been made to ensure that brokerage officers are aware that they must document details of care provider decisions within the CareFirst system. This is also a standing item on the agenda for formal monthly meetings held by the Brokerage Team. The current policy document specifies that all four requirements must be documented, however after discussions with the team and management we understand this is not the case, therefore the policy requires updating to ensure clarity when documenting the reasoning of the care provider being selected. (Please see Appendix A)

Safeguarding Implications

7. The Brokerage service works closely with the central Safeguarding service, Multi Assessment Hub and Social Care teams. Within the Brokerage protocol there is reference to Safeguarding values that need to be supported by the Brokers and training is undertaken by all staff.

Public Health Implications

8. The purpose of Brokerage is to support our most vulnerable residents to access informed choice and personalised care services maximising choice and control

Equalities Impact of the Proposal

9. Service users and their representatives are supported to make choices and to select providers appropriate to them. Supporting information is listed below but not all supporting information needs to be provided if the su/representative feels they are able to make decision based on some or one of the information the Broker has already discussed, i.e. CQC rating. However, it's important that the broker evidences the reason/conversation why a particular provider was chosen and record this information in Carefirst/Eclipse (Case Notes).

Supporting Information:
CQC rating

Geographical location

Culturally specific criteria important to the service user, for example language, gender

Response time – is the start of the package and ongoing support time critical

Specialist experience of working with people with particular needs, for example dementia care, PEG feeds or Stoma bags

If more than one provider meets the criteria for delivering the service, review the previous allocation of new work in order to ensure work is allocated equitably

Environmental and Climate Change Considerations

10. Not applicable

Risks that may arise if the proposed decision and related work is not taken

11. The Brokerage team ensure that the Council purchases care and support whether in the community or in residential/nursing homes that is appropriate to need and quality and represents value for money to the Council. This supports the Council's and People Department's strategic objectives achieving best value quality services and meeting residents identified needs appropriately and safely. The importance of having good governance in place is essential to support the transparency of procuring care

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

12. Assurance process is in place to ensure transparency and fairness in the allocation of work. Service users supported to make informed choices with regards to their care and support arrangements.

Financial Implications

13. Not applicable

Legal Implications

14. Not applicable

Workforce Implications

15. Not applicable

Property Implications

16. Not applicable

Other Implications

17. Not applicable

Options Considered

18. Not applicable

Conclusions

19. The Brokerage audit has been discussed at two previous Audit committees. All recommendations have been fully implemented and the required assurance/procedures are now in place. This report is for noting and recommends that no further audit committee attendance is required.

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Appendices:

1. Brokerage Service Role Objectives Process and System Policy (Appendix A)
2. 2018/2019 Commissioning (Brokerage) Internal Audit Follow-Up Review (Appendix B)
3. Audit report on reasons why packages awarded to providers (Date range October 2019 – August 2020) Appendix C
4. Care Place allocations to providers Appendix D
5. Brokerage Flow Chart – Step by step guide on process to commission Care Package Appendix E
6. Awarded packages (Date Range from October 2019 – August 2020) Appendix F