

Schedule 9

Sanctions and Escalation Process

1. Introduction

- 1.1 This Schedule sets out how any contract sanctions will be managed and how issues will be escalated.

2. Outcomes

- 2.1 The Council shall, during the Contract Period and in managing this Contract, Take the following key areas into consideration:
- Improved quality of service and customer focus
 - Achieving value for money and financial control
 - Decrease in the level of risk
 - Clarification of roles and responsibilities of the Contract Manager, Providers and Service Users
 - Early identification and resolution of poor performance, other problems or disputes
 - Evaluation of the specification against contract performance and identification of contract changes or variations
 - A structured approach to delivering Strategic outcomes
 - Improved relationships
 - More Openness, Transparency and Equitability
 - Auditability
- 2.2 The Council shall, during the Contract Period, monitor the outcomes of the Services on both Operational and Strategic management levels.
- 2.3 **Operational**
- The Provider shall provide to the Council necessary information that enables this Contract to be managed at minimal cost and resource but maximum benefit to the Service Users. This information will deliver statistics and performance data enabling the Council and the Provider to recognise and enhance the service delivery.
- 2.4 **Strategic**
- The Provider shall, during the Contract Period, co-operate with the Council to improve and promote change to the market. The Provider will address future requirements relating to contract development and support the Council's ongoing strategic objectives.
- 2.5 **Relationships**
- The Provider shall be transparent and open in sharing information of its supply chain to improve flexibility and response time for Service Users. The development of technology will assist with information gathering, but this needs to be accompanied by training and/or familiarisation. Publishing and access to the related strategies of the Council will allow Providers to be ready for change and assist with financial planning.

3. Sanctions

The sanctions to be used by this Council during the Contract Period are set out below with the addition of a visible indicator of Provider performance and accessibility.

A Traffic Light system of Green, Amber, and Red will be applied to care homes.

This information will be made visible to the general public including health and social care organisations via the Council's Online Care Directory and when either an Amber or Red sanction is applied by the Council, Providers will be expected to place a notice within the relevant Care Home that a sanction is in place until such time as that sanction has been lifted.

Colour	Definition
Green	Provider is operating within the acceptable levels of Performance and Quality
Amber	The Provider has been issued a Restriction Notice and is in the process of corrective action
Red	The Provider is under a Suspension notice.

4. Sanctions Process

There may be times when it is considered appropriate to place a temporary Suspension or Restriction on a Provider where it is believed that there is serious risk to the health or wellbeing of people receiving a care service.

REASONS FOR TEMPORARY SUSPENSION

There are a number of reasons which may influence a decision to place restrictions or Suspensions upon a Provider including:

- Concerns about abuse/risk to people receiving a care service
- Persistent failure to comply with contractual requirements
- Non-return of contractual Key Performance Indicators (KPIs)
- Under performance issues identified via KPIs
- Complaints (from people receiving a care service, cares/relatives, Case Management, Health, Advocacy organisations etc.)
- Withdrawal of registration or intervention by the Care Quality Commission
- Non-compliance with Care Quality Commission Essential Standards
- Notices issued by the Care Quality Commission
- Building emergencies
- Sustainability of the service for financial reasons
- Infectious/notifiable disease
- Severe staffing/management crisis leaving people receiving a care service vulnerable
- Non-adherence to pricing mechanisms

NOTE: SAFEGUARDING VULNERABLE ADULTS

If there is concern over abuse then the Multi-Agency Safeguarding Vulnerable Adults procedures must be followed and override other processes.

SANCTIONS

Where concerns have been raised and an investigation is to be instigated a **RESTRICTION** will be placed on the Provider's contract.

A **RESTRICTION** means that any potential new placements will need to be risk assessed to ensure that the concerns would have no detrimental effect on the Service User being placed.

If there are major grounds of concerns which prejudice the effective operation of the Provider or are so serious as to prejudice the Provider's future viability then a **SUSPENSION** may be placed on the contract.

A **SUSPENSION** means that no new placements will be made until sustained improvements have been evidenced. There may also be a need to risk assess all current placements to ensure their continued safety.

NOTE: SHORT TERM/RESPITE

*When considering a **SUSPENSION** it will be determined whether short term/respite placements can proceed. Where short term/respite placements have already been planned, and where making alternative arrangements would be detrimental to the person receiving the service, permission may be given for the placement to proceed. This will be considered on a case by case basis.*

ACTION TO BE TAKEN

If there is professional concern about the quality of care provided, supported by the Case Management information, by a Provider which does not relate to the Safeguarding of Vulnerable Adults then the Council will place a **RESTRICTION** on the contract and convene a meeting with the Provider to discuss and agree what action should be taken to rectify the issues of concern. This could be a multi-disciplinary meeting involving colleagues from Case Management, Health, CQC or regulator, Contract Manager and other key stakeholders.

Failure by the Provider to attend a meeting would be construed as obstructing the investigation and could lead to an escalation in the sanction applied.

Following a meeting with the Provider, Strategic Commissioning will request that the Provider completes a 'Service Improvement Plan' identifying the actions to be taken to remedy any non-compliance issues, who is responsible for the actions and a timescale for completion. The 'Service Improvement Plan' will be regularly monitored by Strategic Commissioning through consultation with the Provider and may be shared with other relevant parties including Case Management, CQC or regulator and Health colleagues. A template 'Service Improvement Plan' will be issued to the Provider.

If the actions are not completed or there are concerns such that there is continuing serious risk to people receiving a care service and/or financial or reputational risk to KCC, then a brief will be prepared for the Head of Strategic Commissioning and the relevant Assistant Director recommending a temporary suspension of the Provider for an agreed period or until resolved.

The Contract Manager, or Commissioning Officer, will continue to manage the relationship with the Provider until a decision is made to recommence placing with the Provider and will:

- Notify the Provider in writing of the decision to temporarily suspend placements with them, and
- Agree a monitoring and review plan with agreed timescales with the Provider

It is also agreed that the Contract Manager will notify the following of any temporary suspensions;

- Case Management Teams
- Integrated Care Board and other linked health personnel
- Care Quality Commission or regulator
- Other placing authorities
- KCC Out of Hours teams

The Provider will be issued with a Notice which should be displayed on a Noticeboard within the home to inform Service Users and visitors that there is a **RESTRICTION** or **SUSPENSION** in place.

PUBLIC INFORMATION

KCC's online care directory will identify Providers who have a **RESTRICTION** or **SUSPENSION** on their contract. This is a public facing directory and Providers may be asked for information regarding the contract sanction by people funding their own care or other Local Authorities.

MEDIA MANAGEMENT

The Council will be mindful of potential media interest in situations where suspensions/restrictions are imposed on Providers, as this could result in distress for existing people receiving a care service and carers/relatives. The Council's Press Office will in all cases be consulted before any comment is made to the Press. Providers should contact the Contract Manager if there is any adverse media attention to their service/s.

LIFTING OF TEMPORARY SUSPENSIONS

Following review of the Provider's progress in meeting the agreed targets in the 'Service Improvement Plan', if the actions required have been complied with then the Contract Manager will recommend that the temporary suspension is lifted. Once this is agreed, it will be confirmed in writing with the Provider and all relevant parties.

If the Provider does not demonstrate on review that they have made progress on those matters which led to the suspension then further action will be undertaken. Continued lack of progress or a further escalation of concerns could lead to contract termination, which is the ultimate sanction that can be applied. In these instances, the Council reserves the right to seek reimbursement of any costs incurred by the Council according to clause 9 - Service Levels and Service Credits of the Agreement