# Schedule 9

# Suspension of new placements request – Guidance

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## Version 2.1

Ahead of a full Suspension policy update, the suspension request form has been updated to be fit for the current needs. This note provides some assistance regarding the completion of the form.

Background

Suspensions are a contractual action that when applied restricts the Service Provider from taking on new packages of care or from taking in new residents to their care home. A suspension does not directly alter the service being provided to any Service User or resident already being supported by a Service Provider. Increases and decreases in care packages may be allowed during a period of suspension, however, these should always be reviewed in line with the best interests of the Service User, i.e. is it better to remain with the current provider and increase and in doing so the Service Provider is safe, or would this increase the risk and as such an alternative provider should be sought. The exception to this is where the CQC have imposed a restriction on changes to packages.

A suspension does not restricts payments that are due to a Service provider for care and support which they have delivered. However, the longer that a suspension is in place, there may be an impact on the Service Providers ongoing ability to be sustainable, should the number of Service Users or Residents reduce during the period in which a suspension is in place. As such these levels should be monitored and taken into consideration when requesting suspension be implemented and when reviewing a suspension for potential extension of removal.

A suspension can be in the form of:

*Voluntary* – where the Service Provider has requested a suspension. These must be lifted upon the request of a Service Provider. Paperwork must also be completed to enable a voluntary suspension to be put into place.

*LCC Imposed* – where LCC Contracts Management or the Health and Residential team have identified the need for a suspension of new placements being made.

*CQC Imposed* – This is where the CQC have taken formal action and restricted a Service Provider from accepting new packages of care. These must also be lifted in line with the CQC and cannot be kept on longer than the CQC restriction being in place.

The reason that Voluntary and CQC imposed suspensions follow the same process ensures we have an audit trail of all actions, as well as supporting the provider by reducing the contacts they may otherwise receive to take on packages of care.

Requesting a suspension

When there is a request for the application of a suspension, there needs to be an assessment of the level of risk that if a suspension is not applied, would have on both those new packages of care that are being taken on, as well as increasing the level of risk for those service users who are already in receipt of care and support by the Service Provider, or continually failing to meet a contractual deliverable.

For example, if a service provider is identified as having insufficient staff to provide the required level of care and support that Lancashire County Council has commissioned, a suspension may be requested to be put into place until the Service Provider has increased their staffing level and the new staff are appropriately trained for their role, at which point the suspension would be reviewed and then lifted.

Another example of when a suspension may be requested could be applied due to a Service Provider failing to submit or failing to meet on a recurrent basis their Key Performance Indicators which they are contractually required to do. This would be preceded by contract default notices and only upon failure to act following a contract default notice would a suspension request to be applied. There may not be any direct risk to a Service User or resident, however, the Service Provider is failing to fulfil their Contractual obligations

Any requests for suspensions must also include clear actions that need to be achieved for the suspension to be considered to be lifted. If there are a number of actions that are required to be completed, but potentially on the completion of some of them, the risk level has reduced enough that the suspension can be reviewed for lifting, this should take place. It is not always appropriate to require every action to be completed before a review of a suspension to remove it takes place. Proportionality MUST be taken into account.

If the suspension is a direct result of a Care Quality Commission Notice of Decision to restrict placements or to remove a registered manager, or any other NoD, clear understanding of CQCs restrictions must be understood prior to a suspension being requested.

Where the restriction of placements is taking place, a suspension on the ContrOCC record is required as this ensures that Care Navigation and Social Care workers do not attempt to arrange new placements. This must be carried out for all types of suspension, voluntary, LCC imposed and CQC restriction on placements.

Some NoD will restrict the provider from not only taking on new packages of care, but also restrict them from increasing any packages of care that are already being provided. It must be clear in the suspension report if this is the case.

Before any suspension is applied or lifted the Managing Provider Quality and Performance Policy and procedure should have been referred to. Following this, the Suspension Request Form and the 'Suspension Letter to providers Template v1 2017' should be:

* Be completed by a member of the Contract Management Team for Community Based service provision, or a member of the Health and Residential Team for Care Home settings.
* Be reviewed by the Contract Team Manager, or in their absence, the Quality Improvement and Safety Specialist – Health and Residential (due to their contractual oversight)
* Be approved by the Head of Patient Safety and Safeguarding (or in their absence the relevant Operational Head of Service within Adult Social Care)

Once a suspension has been applied or lifted there is a need for other teams and organisations to be notified. These are listed in the form and should be marked off as they are completed. The following information should be included in the notifications to those listed.

For Residential

|  |  |
| --- | --- |
| Name of home and location of home |  |
| Group name (if belonging to a group) |  |
| If group, number of homes in group |  |
| Type of home (Residential/Nursing/dual) |  |
| Total Capacity Residential/Nursing split |  |
| LCC funded occupancy |  |
| Number of vacancies (if known) |  |
| Type of needs supported (eg Dementia) |  |
| Reason for Suspension – (Voluntary, LCC or CQC imposed, if CQC also confirm any package increase restrictions if applicable) |  |
| Suspension Approved by |  |
| Suspension Approved on |  |
| Suspension lifted (include any restrictions, eg 1 new placement per week) |  |
| Suspension lifting approved by |  |
| Suspension lifting approved on |  |

For Homecare Inc. Reablement, Crisis and Roving Nights

|  |  |
| --- | --- |
| Name of provider |  |
| Type of Contract |  |
| Districts services delivered in |  |
| Lot covering (1-OP/PD, 2-LDA, 3-MH) |  |
| Confirmation of districts/lots suspension relating to (all or specifics if only some) |  |
| Part of group (include which) or independent? |  |
| Current LCC funded SU numbers by district |  |  |  |  |  |  |  |  |
| Number of private/other funded Service users if known |  |
| Reason for Suspension – (Voluntary, LCC or CQC imposed, if CQC also confirm any package increase restrictions if applicable) |  |
| Suspension Approved by |  |
| Suspension Approved on |  |
| Suspension lifted (include any restrictions, eg 1 new placement per week) |  |
| Suspension lifting approved by |  |
| Suspension lifting approved on |  |

For Supported Living/Extra Care

|  |  |
| --- | --- |
| Name of provider |  |
| Supported Living/Extra Care |  |
| Districts services delivered in |  |
| Lot covering (1-OP/PD, 2-LDA, 3-MH) |  |
| Part of group (include which) or independent? |  |
| Confirmation of districts/lots suspension relating to (all or specifics if only some) |  |
| Total Number of Schemes with Provider |  |
| Number of Schemes affected by suspension |  |
| Current LCC funded SU numbers at suspended schemes |  |
| Number of vacancies/voids at suspended schemes |  |
| Reason for Suspension – (Voluntary, LCC or CQC imposed, if CQC also confirm any package increase restrictions if applicable) |  |
| Suspension Approved by |  |
| Suspension Approved on |  |
| Suspension lifted (include any restrictions, eg 1 new placement per week) |  |
| Suspension lifting approved by |  |
| Suspension lifting approved on |  |

For Day time support

|  |  |
| --- | --- |
| Name of provider |  |
| Part of group (include which) or independent? |  |
| Location of suspended provision |  |
| Type of support provided (day centre etc) |  |
| Block or spot contract |  |
| Number of LCC funded SUs supported |  |
| Reason for Suspension – (Voluntary or LCC) |  |
| Suspension Approved by |  |
| Suspension Approved on |  |
| Suspension lifted (include any restrictions, eg 1 new placement per week) |  |
| Suspension lifting approved by |  |
| Suspension lifting approved on |  |

In addition to the above being shared internally, the Information Sharing Protocol should also be followed to notify other North West Local Authorities.

The Service Provider needs to be informed of the suspension. In some cases they will already be aware that this may be due to happen, although in other cases, they may have no previous knowledge due to the speed in which the suspension has been requested and agreed. All Service Providers should be notified of the suspension being applied or lifted by the Contract Assurance Officer, in all of the following formats

1. An initial telephone call to confirm the suspension has been approved and when it is in place from, or when it has been removed
2. By post. A suspension letter must be issued via the post to the owner/director/trustees and where appropriate copied to the registered manager. This letter must include:
	1. The clauses of the contract that have been breached.
	2. Clarification of actions to enable a review of the suspension to be lifted.
	3. An initial review period
	4. Be signed by the head of Patient Safety and Safeguarding
3. By email. The letter being issued by post must also be emailed (encrypted) to the provider. As well as a copy of the ISP form.

The completed suspension report along with all suspension emails and letters must be saved in the Service Providers folder in the Escalation/Suspension folder for full audit purposes.

Requesting to Lift a Suspension

The same process as to request the application of a suspension must be followed, ensuring that all the actions have been appropriately achieved and maintained, or the risk is of a sufficient low enough level for the suspension to be lifted.

Identify if there are any restrictions being applied at the time of the suspension being lifted, e.g. limited number of new placements each week for a period of time.

All the same notifications as when applying a suspension should be notified of the removal of a suspension.