

## **Provider Business Failure Plan**

For Regulated and Unregulated Care and Support  
Providers in Croydon

**March 2023 – VERSION 3.0**

**(Previous version 2.0 June 2020)**

## Document Control

<b>DOCUMENT TITLE:</b>	Provider Business Failure Plan for Regulated and Unregulated Care and Support Providers in Croydon
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<b>DATE ISSUED:</b>	March 2023

## Version History

DETAILS OF AMENDMENTS	VERSION	VERSION AMENDED BY	DATE
General check	0.2	Paul Connolly	03/12/15
Decision Tree & Key	0.3	Paul Connolly	14/12/15
Final Version corrections	1.0	Paul Connolly	04/01/16
Updated to reflect business failure responses	2.0	Sean Olivier/Stephen Hopkins	15/06/20
Reviewed and updated	3.0	Kirsty Scarlett/ Stephen Hopkins	02/03/23

## Maintenance

<b>KEY CONTACTS:</b>	Every six months
<b>OWNER:</b>	Annually
<b>DATE ISSUED:</b>	Following an exercise / test. Following an incident. Upon a change to legislation. Upon a change to operations.

## Interdependencies and linked plans

(Plans / documents that may impact on your business continuity plan or processes)

PLAN	OWNER
Adults Placement, Brokerage & Market Management Business Continuity Plans	London Borough Croydon
Pan London Safeguarding Policy	London ADASS/ CSAB
Provider Concerns Policy	Safeguarding Unit

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# 1. Introduction

This Business Failure Continuity Plan for Regulated Care and Unregulated Care Providers in Croydon ensures that the care and support needs of service users using those services continue to be met in the event of an unplanned business failure. The business failure plan relates to Croydon-based regulated businesses providing regulated care activities i.e.

- Regulated support in the home, services provided by domiciliary care agencies
- Regulated residential care homes
- Regulated nursing care homes
- Regulated Supported Living
- Unregulated Supported Living
- Day services as appropriate

This plan details Croydon Council's response to an imminent provider failure; and as such the plan should be read in conjunction with the Care Act 2014: business failure regulations, duty to co-operate regulations and cross-border continuity of care regulations.

## 1.1 Background

1.1.1 Section 48 of The Care Act (2014) imposes a temporary duty on local authorities in the event that a regulated provider becomes unable to provide a regulated activity to an individual due to a business failure. This duty applies regardless of whether the individual's care is funded by the local authority or not. This temporary duty is engaged where the following criteria are met:

1. The provider must be a registered care provider
2. The provider must be unable to carry out the particular activity. Where the provider is able to continue the activity despite business failure the duty will not be triggered.
3. The activity that the provider is unable to carry out must be a regulated activity
4. The inability to carry out the activity must be due to the provider's business failure

1.1.2 *'Business Failure' is defined in the Care and Support (Business Failure) Regulations 2014 and references to business failure in this document should be construed accordingly.*

1.1.3 The Act states that a local authority must 'for so long as it considers necessary' meet the needs for care and support which were being met immediately before the business failure occurred. The local authority is not required to continue to the services that were previously provided and has discretion as to how it will meet those needs, though this should be agreed with the individual where possible. The duty applies as soon as a local authority becomes aware of a business failure, and applies to both adults in need and their carers. In discharging this duty, local authorities are not

required to carry out a needs or financial assessment or make a determination of eligibility. Other placing authorities will be informed of the business failure and encouraged to review their placed clients with a view to making informed decisions on the future of the placement in line with the business failure.

- 1.1.4 Local authorities have the power to charge for the cost (except for the provision of information or advice) in meeting the person's care and support needs. Where the person is ordinarily resident in another local authority's area, the local authority discharging its temporary duty may recover its costs from the former. However, the duty does not extend to those persons in receipt of NHS funded Continuing Healthcare – the duty in these cases remains with the NHS – as the local authority does not have the power to meet needs which are required to be met by the NHS. The local authority must take all reasonable steps to reach agreement with these interested parties.
- 1.1.5 Under sections 53-57 of the Care Act, the Care Quality Commission (CQC) is responsible for overseeing the operation of the certain groups of registered providers, which includes assessing their financial sustainability. Care providers will fall under the CQC regime where they are providing regulated services as follows:

**Residential and nursing care home providers who operate:**

- At least 2,000 beds in England i.e. a significant size of provider; **or** between 1,000 - 2,000 beds with at least 1 bed in 16 or more local authority areas i.e. significant scale regionally or nationally; **or** between 1,000 - 2,000 beds where capacity in at least 3 local authority areas is more than 10 per cent of the total capacity in each of those areas i.e. a significant concentration in a local or geographic area.

**Non-residential / domiciliary care providers who provide:**

- At least 30,000 hours of care in a week anywhere in England; **or** at least 2,000 people with care in a week anywhere in England; **or** at least 800 people with care in a week anywhere in England and the number of hours of care divided by the number of people cared for must be more than 30. For example, if 900 people receive care in a week then more than 27,000 hours of care must be provided in that week for the criteria to be satisfied.

- 1.1.6 The CQC will publish the names of all regulated care providers who meet the above criteria and will share data as required with the relevant local authorities. Care providers will remain on the CQC list for a minimum of 12-months unless removed earlier through a decision made by the Secretary of State.

## **1.2 Risk mitigation**

- 1.2.1 The continuity of care to service users throughout a business failure will be of prime importance for all organisations involved – consequently, ASC & Commissioning services will ensure that the following actions are universally applied for all regulated businesses providing regulated activities in the borough:

- Regulated care providers registered in the London Borough of Croydon are responsible for informing Croydon Council in the event of a planned or unplanned closure. In the event of a planned closure then the provider must give Croydon Council a minimum of 6-months' notice prior to the planned closure date.
- All regulated care providers are required to maintain business continuity plans, sharing a copy with the Quality and Market Management Team.
- Care providers are required to maintain (and supply Croydon as required) with a 'register' of service users either placed or receiving support from the provider in the event of a planned or non-planned closure – the register will detail all named individuals placed with or using the service; details of next of kin or representative, details of placement or service category; name and contact details of the funding authority; or confirmation if the service user is a self-funder.
- Regulated care providers will also supply Croydon Council with an up-to-date employee or establishment list, in the event on an unplanned or imminent business failure.
- Financial health checks are undertaken by the Financial Lead Resources Department on those regulated care providers who are not subject to the CQC market oversight duties.
- Seek legal advice as required, prior to taking action.

### **1.3 Aim of continuity plan**

- 1.3.1 The aim of this plan is to ensure the care and support needs of all service users can continue to be met in the event of an immediate business failure by a regulated care provider registered in Croydon undertaking regulated care activities.
- 1.3.2 This plan sets out the roles and responsibilities of Croydon Council in the event of a business failure. The types of failure covered in the plan include imminent closure or cessation of a services; cancellation of registration through a Care Quality Commission (CQC) enforcement action; immediate closure caused by fire or flood etc.
- 1.3.3 For Planned Business Closures Croydon Council's temporary duty will not be triggered in this event. However, the Council would expect to receive sufficient notice of six months advising them of all planned closures.

### **1.4 Objectives of continuity plan**

- 1.4.1 The objectives of this plan are as follows:
- To outline the trigger criteria to activate the response plan;
  - To establish appropriate response teams following the notification of a business failure;
  - To set out the roles and responsibilities of those detailed in the plan;
  - To describe communications in terms of notification and ongoing working;
  - To set out the contingency measures that will guide the incident response;

- To provide a key contact list that can be referred to in the event of an incident occurring
- To safeguard people using services when an incident occurs to ensure continuity of care and support

## 2. Plan Activation

### 2.1 Trigger criteria

2.1.1 The plan will be activated if any of the following criteria is met:

1	The council is notified of the imminent business failure of a regulated or unregulated care provider registered as operating in the London Borough of Croydon.
2	The council is advised of the immediate suspension, closure and deregistration of a regulated care provider by the CQC e.g. on the grounds of health and safety or assessed risk to service users.
3	The council is notified of a major and immediate unplanned business interruption e.g. a significant fire or flood, and where the care providers' own business continuity plan is unable or has failed to address the resulting service impact.
4	The council is advised that there is an imminent risk to people using services and action will need to be taken to safeguard those people e.g. alternative care and support provision.

### 2.2 Other local authorities

2.2.1 In the event of Croydon Council being notified by another local authority of a regulated provider business failure in their area (and Croydon has individuals placed with the provider) then the Quality and Market Support Manager and appropriate social work team manager are be allocated to support the closure process.

2.2.2 The Quality and Market Support Manager and appropriate social work team manager will attend all host authority meetings relating to the business failure.

### 2.3 Activation of the plan

2.3.1 The following people have responsibility for activating this plan:

1	<ul style="list-style-type: none"> <li>• Director of Adult Social Care Commissioning, Policy &amp; Improvement</li> <li>• Corporate Director of Adult Social Care and Health</li> <li>• Director of Adult Social Care Operations (Deputy DASS)</li> </ul>
2	<ul style="list-style-type: none"> <li>• Head of Service for Strategic Commissioning &amp; Improvement</li> <li>• Head of Adults Placement, Brokerage &amp; Market Management</li> <li>• Head of Adult Safeguarding &amp; Quality Assurance</li> <li>• Head of 18-65 Disability Services</li> <li>• Head of Business &amp; Service Compliance</li> </ul>

	<ul style="list-style-type: none"> <li>• Head of Adult Mental Health &amp; Substance Misuse</li> <li>• Head of Localities</li> <li>• Head of Provider Services</li> </ul>
3	<ul style="list-style-type: none"> <li>• Strategic Commissioning Manager (OP&amp;Carers)</li> <li>• Strategic Commissioning Manager (LD&amp;Autism)</li> <li>• Strategic Commissioning Manager Mental Health</li> </ul>

2.3.2 The above table is based on a command order of chain and shall be activated dependant on people's availability.

### 3. Roles and Responsibilities

#### 3.1 Incident manager

3.1.1 The following people have the responsibility for overall management of the incident:

1	<ul style="list-style-type: none"> <li>• Head of Adults Placement, Brokerage &amp; Market Management</li> </ul>
2	<ul style="list-style-type: none"> <li>• Head of Service for Strategic Commissioning &amp; Improvement</li> <li>• Head of Adults Placement, Brokerage &amp; Market Management</li> <li>• Head of Adult Safeguarding &amp; Quality Assurance</li> <li>• Head of 18-65 Disability Services</li> <li>• Head of Business &amp; Service Compliance</li> <li>• Head of Adult Mental Health &amp; Substance Misuse</li> <li>• Head of Localities</li> <li>• Head of Provider Services</li> </ul>
3	<ul style="list-style-type: none"> <li>• Strategic Commissioning Manager OP &amp; Carers</li> <li>• Strategic Commissioning Manager LD &amp; Autism</li> <li>• Strategic Commissioning Manager Mental Health</li> <li>• Quality and Market Support Manager</li> <li>• Market Facing Safeguarding and Quality Assurance Officer</li> </ul>

3.1.2 The above table is based on a command order of chain and shall be activated dependant on people's availability.

#### 3.2 Incident management

3.2.1 The highest in seniority as listed above will take the role of Incident Manager. In their absence, the role will be undertaken by the second or third in seniority. They have the following responsibilities:

1	Review initial incident log and carry out a dynamic RAG on the incident to decide on if there are any critical decisions to be made.
2	Convene an incident strategy meeting within 24 hours of notification and inform Comms and/or Press team as required. If RED rated (Critical) then meeting within 4 hours
3	Devise action plan and allocate tasks / duties to incident team members
4	Set clear time-scales for action



5	Seek legal advice as required
6	Keep Director and Heads of Service, Cabinet Members (in ASC, Commissioning) fully briefed
7	Ensure all meetings / decisions recorded for audit purposes
8	Maintain incident log for all requests, decisions and actions

### 3.3 Incident team

3.3.1 The following are the key incident team members and their responsibilities:

ROLE	RESPONSIBILITIES
Head of Service for Strategic Commissioning & Improvement	<ul style="list-style-type: none"> <li>Responsible for all commissioning decision making</li> <li>Responsible for ensuring commissioned services are working to required contractual arrangements</li> </ul>
Head of Adults Placement, Brokerage & Market Management	<ul style="list-style-type: none"> <li>Provide support and advice on any workforce related issues</li> <li>Main point of contact with provider</li> </ul>
<ul style="list-style-type: none"> <li>Head of 18-65 Disability Services</li> <li>Head of Adult Mental Health &amp; Substance Misuse</li> <li>Head of Localities</li> <li>Head of Provider Services</li> <li>Head of Business &amp; Service Compliance</li> </ul>	<ul style="list-style-type: none"> <li>Responsible for all care and support decision making</li> <li>Ensure all identified care and support needs are appropriately met</li> <li>Communicate with all individual service users and families</li> </ul>
Head of Adult Safeguarding & Quality Assurance	<ul style="list-style-type: none"> <li>Responsible for responsible for protecting the confidentiality of people's health and care information and making sure it is used properly.</li> <li>Responsible for the Provider concerns process if implemented in co-ordination with provider failure policy</li> <li>Secure appropriate continuity of care</li> <li>Main point of contact with provider</li> </ul>
Market Facing Safeguarding Quality Assurance Officer	<ul style="list-style-type: none"> <li>Liaise with placing authorities where a resident/ service user is funded by another borough/ Health authority</li> <li>Co-ordinate provider concerns comms, if in place in co-ordination with provider failure policy</li> <li>Co-ordinate comms to ADASS</li> </ul>
<ul style="list-style-type: none"> <li>Strategic Commissioning Manager (OP&amp;Carers)</li> <li>Strategic Commissioning Manager (LD&amp;Autism)</li> </ul>	<ul style="list-style-type: none"> <li>Action and oversee required contractual arrangements</li> <li>Secure appropriate continuity of care</li> </ul>

• Strategic Commissioning Manager Mental Health	
Service Manager- Adults Placements & Brokerage	<ul style="list-style-type: none"> <li>• Oversee Placement and Brokerage capacity within the borough in the event of alternative provision required</li> </ul>
Quality and Market Support Manager	<ul style="list-style-type: none"> <li>• Monitor service arrangements to ensure continuity of quality of care</li> <li>• Visit services as and when required to ensure continuity of service.</li> <li>• Working with providers to support relevant improvements required/ agreed.</li> </ul>
Finance Manager	<ul style="list-style-type: none"> <li>• Monitor and oversee financial implications</li> <li>• Make decisions on financial support offer</li> </ul>
Public Health Professional	<ul style="list-style-type: none"> <li>• Monitor and oversee Public Health requirements</li> </ul>
Head of NHS Continuing Care	<ul style="list-style-type: none"> <li>• Will lead and co-ordinate all actions relating to NHS funded users</li> <li>• Will attend/ send a nominated individual with authority to make discussions at meetings to discuss the provider failure</li> </ul>

## 4. Communications

### 4.1 Incident notification

4.1.1 In the event of an incident, the following **people** and **organisations** must be alerted of a regulated or unregulated care provider failure with immediate effect (or as a result of an emergency) and must be briefed on the situation and potential impact and risks:

1	Corporate Director of Adult Social Care and Health
2	Director of Adult Social Care Operations (Deputy DASS)
3	Director of Adult Social Care Commissioning, Policy & Improvement
4	Head of NHS Continuing Care
5	Head of Adult Safeguarding & Quality Assurance
6	Inspection Manager – Care Quality Commission (CQC)
7	Head of Service for Strategic Commissioning & Improvement
8	Head of Adults Placement, Brokerage & Market Management
9	Market Facing Safeguarding & Quality Assurance Officer

10	Head of 18-65 Disability Services
11	Head of Adult Mental Health & Substance Misuse
12	Head of Localities
13	Head of Provider Services
14	Head of Business & Service Compliance
11	Quality and Market Support Manager
12	Strategic Commissioning Manager OP & Carers
13	Strategic Commissioning Manager LD & Autism
14	Strategic Commissioning Manager Mental Health
15	Head of Resident Contact
16	Press Office

## **5. Actions and Contingency Measures**

### **5.1 Initial notification and dynamic RAG assessment (Appendix 3)**

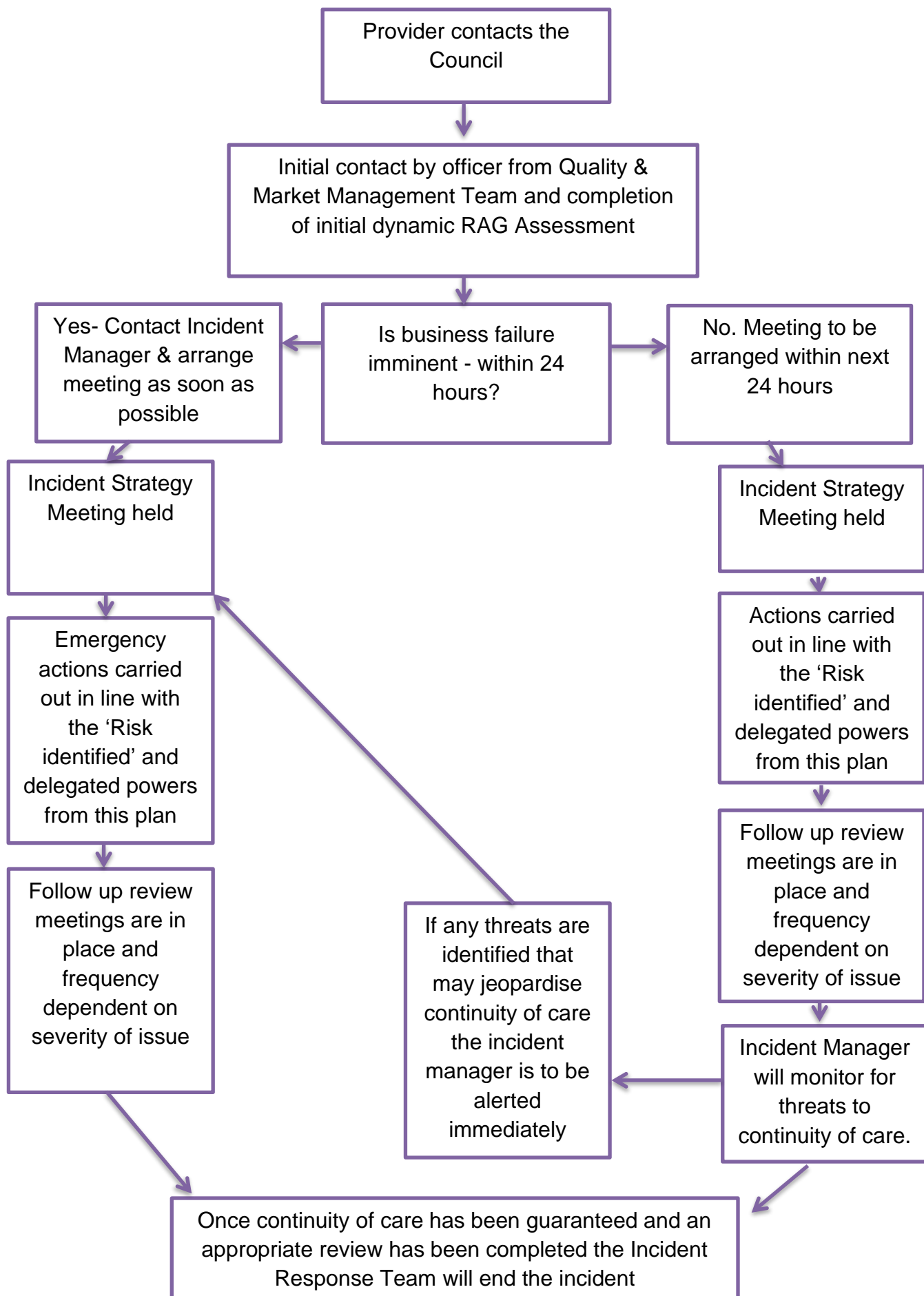
- 5.1.1 The officer who receives the initial contact will carry out an initial assessment below with the provider to work out whether the issue constitutes the following:
- RED- Critical failure and action required within 24 hours
  - AMBER- Serious failure and action required within 72 hours
  - GREEN- Possible business continuity failure and action required within 1 week.
- 5.1.2 In the answer box there are some pre-populated boxes to aid staff on some of the key headings
- 5.1.3 After the initial assessment has been carried the officer who has carried out the assessment will contact a Senior Manager who will assume the role of 'Incident Manager'. They will contact the list of Senior Managers in section 3.1 and the contact details provided in Appendix 2.
- 5.1.4 The initial officer will start the process as identified in the Appendix 1 Decision Tree
- 5.1.5 If the initial risk assessment highlights a possible failure within 24 hours (RED-Critical) then a meeting will be held within 4 hours of the notification and risk assessment being carried out.

### **5.2 Incident Strategy Meeting**

- 5.2.1 The agenda (Appendix 4) will be used for the Incident Strategy Meeting, chaired by Head of Adults Placement, Brokerage & Market Management. An Agenda and Meeting Minute Template is provided in Appendix 4:

## 6.0 Appendix

### Appendix 1 – Decision Tree



## Appendix 2 – Key Contact List

### 1. Incident Response Team

INCIDENT RESPONSE TEAM CONTACTS			
NAME	JOB ROLE	CONTACT	
Leanne Bobb	Head of Service for Strategic Commissioning & Improvement	Work:	21179
		Mobile:	07729 622898
		Email:	Leanne.bobb@croydon.gov.uk
Stephen Hopkins	Head of Adults Placement, Brokerage & Market Management	Work:	21453
		Mobile:	07874 601548
		Email:	stephen.hopkins@croydon.gov.uk
Kaye Carter	Service Manager- Adults Placements & Brokerage	Work:	21298
		Mobile:	07436 032 597
		Email:	kaye.carter@croydon.gov.uk
Kirsty Scarlett	Quality and Market Support Manager	Work:	21337
		Mobile:	07734 002213
		Email:	kirsty.scarlett@croydon.gov.uk
Sean Olivier	Head of Localities – Older People	Work:	21561
		Mobile:	N/A
		Email:	Sean.olivier@croydon.gov.uk
Azuka Agbai	Head of 18-65 Disability Services	Work:	21164
		Mobile:	07742 405466
		Email:	azuka.agbai@croydon.gov.uk
Valentine Nweze	Head of Service Adult Mental Health Social Care	Work:	0203 2280404
		Mobile:	07742 405323
		Email:	Valentine.Nweze@slam.nhs.uk
Nick Sherlock	Head of Safeguarding &	Work:	21320

	Quality Assurance	Mobile:	N/A
		Email:	nick.sherlock@croydon.gov.uk
Ernest Johnson	Service manager – Adult Safeguarding & Quality Assurance	Work:	21600
		Mobile:	N/A
		Email:	ernest.johnson@croydon.gov.uk
Melanie Gamsu	Market Facing Safeguarding Quality Assurance Officer	Work:	21432
		Mobile:	07732 074095
		Email:	melanie.gamsu@croydon.gov.uk
Claire Fletcher	Strategic Commissioning Manager - (Older People and Carers)	Work:	21045
		Mobile:	N/A
		Email:	Claire.Fletcher@croydon.gov.uk
Shirley Moyes	Strategic Commissioning Manager- Mental Health	Work:	22900
		Mobile:	N/A
		Email:	Shirley.Moyes@croydon.gov.uk
Cris Green	Strategic Commissioning manager (Disabilities & Autism)	Work:	21699
		Mobile:	N/A
		Email:	Cris.Green@croydon.gov.uk
Rachel Flowers	Director of Public Health Croydon	Work:	22722
		Mobile:	07939 502 403
		Email:	Rachel.Flowers@Croydon.gov.uk
Lisa Wheatley	Head of Resident Contact	Work:	22455
		Mobile:	N/A
		Email:	Lisa.Wheatley@Croydon.gov.uk

## 2. Key Partners & Other Key Contacts

KEY PARTNERS & OTHER KEY CONTACTS			
NAME	JOB ROLE	CONTACT	
Helen Wells	Care Quality Commission (CQC) Inspection Manager	Work:	03000 61 61 61
		Mobile:	07467 001 497
		Email:	Helen.Wells@cqc.org.uk
Hannah Cooper	Care Quality Commission (CQC) Inspection Manager	Work:	03000 61 61 61
		Mobile:	07393006375
		Email:	Hannah.Cooper@cqc.org.uk
Mirella Peters	Head of Finance – Adult Social Care & Health	Work:	27234
		Mobile:	N/A
		Email:	mirella.peters@croydon.gov.uk
Rachael Colley	Head of NHS Continuing Care	Work:	020 3668 1899
		Mobile:	N/A
		Email:	rachael.colley@swlondon.nhs.uk
Press Office	Comms Team	Work:	60036
		Mobile:	N/A
		Email:	Press@croydon.gov.uk
London Fire Brigade		Work:	020 8555 1200
		Mobile:	N/A
		Email:	FSDCroyBromSutMert@london-fire.gov.uk
Trish Burls	Trading Standards, Food and Safety Manager	Work:	28539
		Mobile:	07458 077879
		Email:	trish.burls@croydon.gov.uk
HMO Team	Environmental Health (team covering unregistered supported living)	Work:	28257
		Mobile:	N/A
		Email:	hmo@croydon.gov.uk



## APPENDIX 3 – Initial Notification and dynamic RAG assessment

<i>Subject</i>	<i>Answer</i>
Provider Name	
Service Name	
Service Address	
Type of provision	
Date & Time of initial contact from provider	
Method of Communication	
Officer carrying out assessment	
Date & time of officer assessment	
Initial Dynamic risk assessment RAG rating	
<b>Question</b>	
What is the risk that you have identified? (Remove those not applicable)	<ul style="list-style-type: none"> <li>• Staffing</li> <li>• Financial</li> <li>• Public Health/Infection Control</li> <li>• Regulatory/Business Continuity Failure</li> <li>• Safeguarding Concerns</li> <li>• Building defect/ incident</li> <li>• Unforeseen/unplanned failures</li> </ul>
Have you instigated your Business Continuity Plan (BCP)?	
Please can you email <a href="mailto:carequality@croydon.gov.uk">carequality@croydon.gov.uk</a> with your BCP	
Will the measures from your BCP mitigate the risk of partial or total provider failure?	
How many Croydon residents will be affected?	
How many other funding authority residents will be affected?	
How many private residents will be affected?	
Have you contacted the CQC?	
Have you contacted placing authorities?	
Can you provide the following: <ul style="list-style-type: none"> <li>• An up-to-date service user register</li> <li>• An up-to-date employee or establishment list</li> </ul>	

<ul style="list-style-type: none"> <li>Individual care or health plans and risk assessments- if applicable at this stage</li> </ul>	
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## Appendix 4 – Incident Strategy Meeting Agenda & Meeting Minute Template

Agenda template;

No.	Agenda Item	Detail
1	Summary of Concerns	Incident Manager summarises concerns. Consideration of size of home/provision and business continuity plan
2	Staffing <ul style="list-style-type: none"> <li>i. Exploration of current staffing levels               <ul style="list-style-type: none"> <li>• Management                   <ul style="list-style-type: none"> <li>a. Clinical leadership</li> <li>b. Care management leadership</li> </ul> </li> <li>• Carers</li> <li>• Facilities management – kitchen, cleaning etc.</li> </ul> </li> <li>ii. Immediate staffing intervention               <ul style="list-style-type: none"> <li>• Clinical leadership brought into home –                   <ul style="list-style-type: none"> <li>a. ICB nursing tasks</li> <li>b. Nurse supporting tasks in short term</li> </ul> </li> <li>• Management – Extra Care management in short term</li> <li>• Supplementary staffing/nurses                   <ul style="list-style-type: none"> <li>a. NHS Provider bank</li> <li>b. Train the Trainer Supertrainers</li> <li>c. Carers – Via DPS for interim</li> </ul> </li> <li>• Mutual aid – larger groups, home care, other borough</li> </ul> </li> </ul>	
	Infection Control Safeguarding Regulatory Failure Health and Safety	

3	<p>Service User Safety</p> <ul style="list-style-type: none"> <li>iii. Current infection levels</li> <li>iv. Analysis of infection: <ul style="list-style-type: none"> <li>• Positive/negative floors</li> <li>• Equipment stocktake</li> <li>• Staff and equipment movement</li> <li>• PPE</li> </ul> </li> <li>v. Immediate management of infection <ul style="list-style-type: none"> <li>• PPE order</li> <li>• Deep clean</li> <li>• Response to clinical concerns</li> </ul> </li> </ul>	
4	<p>Financial &amp; Sustainability</p> <ul style="list-style-type: none"> <li>i. Current occupancy/service user numbers</li> <li>ii. Current rates</li> <li>iii. Provider sustainability payment</li> <li>iv. Tenancies ended – provider/ landlord</li> </ul>	
5	<p>Comms</p> <ul style="list-style-type: none"> <li>i. With home</li> <li>ii. With other councils/ CCG</li> <li>iii. Relatives and family – Virtual meetings</li> <li>iv. Reactive press lines from ASC prepped and approved by Director</li> <li>v. Members</li> <li>vi. Letter to ADASS to share with other authorities</li> </ul>	
6	Post-incident contingency response work streams	Based on the above dependent on situation
7	Frequency of next meetings	Frequency of meeting related to serious of situation

## Minute template;

No.	Agenda Item
1	Summary of Concerns
2	Staffing
3	Service User Safety
4	Financial & Sustainability
5	Comms
6	Post-incident contingency response work streams
7	Frequency of next meetings

## Appendix 5 – Action considerations for possible business failure

Staffing	Financial failure	Regulatory Failure	Building defect/ incident including unforeseen unplanned	Public Health/Infection Control/Health & Safety incident
<p><b>Registered Manager</b>                      -Management cover from provider organisation                      -Management cover from a staffing agency</p> <p><b>General Care Staff</b>                      -Care staff cover from provider organisation                      -Care staff cover from staffing agency                      -Care staff support from a homecare provider</p> <p><b>Kitchen Staff</b>                      -Kitchen staff cover from provider organisation                      -Kitchen staff cover from staffing agency                      - Alternative meal provider to be sourced</p> <p><b>Nursing Staff</b>                      -Nursing staff cover from provider organisation                      -Nursing staff cover from staffing agency                      -Discussion with health colleagues on temporary/bank staffing to support</p>	<p><b>Financial Failure (Within 7 days)</b>                      -One off payment to provider to reduce immediate risk to residents                      -Take legal view on any contract termination and payment issues                      -Meeting with Section 151 officer, corporate director and cabinet member</p> <p><b>Financial Failure (within 1 month)</b>                      -Review all service users with a view to moving immediately                      -Confirm where responsibility rests for assessing any Self-Funding or other Local Authority service users with a view to temporarily increasing fees                      Meeting with Section 151 officer, corporate director and cabinet member</p> <p><b>Financial Failure (within 3 months)</b></p>	<p><b>De-Registration of Manager</b>                      -Review all service users with a view to moving                      - Review alternative options from in-house services                      - Provider to recruit temporary agency registered manager</p> <p><b>De-Registration of Service</b>                      -Review all service users with a view to moving                      -Review with CQC on a risk basis to decide on timeline to move residents.</p>	<p><b>Full Closure of home</b>                      -Move all residents to vacant beds within Care UK services as first option.                      - Identify homes from void/vacancies list to support immediate moves.                      - Discussion with Extra Care services about possible emergency admissions                      -Move all residents to a vacant bed within another service                      -Deploy current care staff in the relocation                      -Passing on information, escorting service users, etc                      -Ensure formal handover of service users, their files and other records takes place including medication and treatment details.                      -Provider to activate business continuity plan.</p> <p><b>Partial Closure</b>                      -In partnership with the provider, assess number of residents, if any, need to be relocated temporarily to another service within the Borough as per the above measures.                      -Provider to activate business continuity plan.</p>	<p><b>Enforcement notice on food safety</b>                      -Kitchen closure due to infestation, home to introduce alternative food supplier to deliver hot meals.</p> <p><b>IPC Outbreak</b>                      -Outbreak of infectious disease to be supported by PH colleagues for guidance on managing the outbreak</p> <p><b>Legionella Outbreak</b>                      Consider moving residents to another setting if legionella risk is not immediately removed</p>

	-Review all service users with a view to moving immediately			
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