

**Response issued under the Freedom  
of Information Act 2000**

Our Reference: CQC IAT 2012 1065

Date of Response: 14 December 2012

Information Requested:

***“1. Where you aware that Mr Peter Curtis CEO and Director of Forest Healthcare which ran the Ash Court Nursing Home, when Panorama uncovered the scandal of systematic abuse of its patients, is now a Director of Gracewell Healthcare which run a chain of new Nursing Homes across the UK? Their web site is here <http://www.gracewell.co.uk/>”***

***They are proposing a Nursing in.. Lane End in Bucks along with a new GP Surgery, Pharmacy and industrial units.***

***2. What extra monitoring of Gracewell Healthcare is the CQC putting in place given Ash Court extremely chequered history?”***

The Information Access Team has now processed your request and we can advise you that we do hold some information that is relevant to your request.

Information Requested:

***1. Where you aware that Mr Peter Curtis CEO and Director of Forest Healthcare which ran the Ash Court Nursing Home, when Panorama uncovered the scandal of systematic abuse of its patients, is now a Director of Gracewell Healthcare which run a chain of new Nursing Homes across the UK? Their web site is here <http://www.gracewell.co.uk/>”***

The Health and Social Care Act 2008 (HSCA) requires that providers whether individuals or legal entities be registered if they are carrying out regulated activities. As the provider in this case was a limited company and not an individual, the HSCA required the registration of the legal entity: i.e. the company. In such cases we do not require the names of directors nor do we undertake checks on them.

However, any organisation applying to be registered must include details of a “nominated individual”. The Regulations say that the nominated individual must be employed as a director, manager or secretary of the organisation with responsibility for supervising the management of the regulated activity. The provider must be sure of that individual’s ability to fulfil the responsibility of their role.

Gracewell Healthcare Ltd is registered for the following regulated activities: accommodation for persons who require nursing or personal care, diagnostic and screening procedures and treatment of disease, disorder or injury which are provided at or from four locations. Not all regulated activities are provided at all locations.

The certificate of registration which was issued on 19 July 2012, shows that Mr Peter James Curtis is the Nominated Individual for all activities.

There is no requirement for the organisation to provide details of newly appointed directors, however if specific concerns were raised we could ask for further information.

## ***2. What extra monitoring of Gracewell Healthcare is the CQC putting in place given Ash Court extremely chequered history?***

We are monitoring this provider as part of our regulatory role. We will monitor their compliance using a number of methods: via any information we receive and through planned reviews of compliance.

As our inspections are unannounced we are unable to confirm or deny whether we will be inspecting these services in the near future as providing this information may prejudice our ability to carry out our regulatory role. Please see below for a full explanation of this exemption.

CQC currently carries out an unannounced inspection of every care and nursing home in England every year – more often if we believe people may be at risk. This system of regulation can and does identify poor care which CQC then takes action to tackle.

However, what it **cannot** do is to identify and stamp out deliberately concealed abuse. By its very nature, concealed abuse takes place away from the eyes of managers and inspectors and can even take place, as in this case, in a well run care home. Abuse of vulnerable people is a criminal matter, and is rightly handled by the police and the courts.

CQC has taken action against a number of providers where a current risk to people has been identified. In this case, Ash Court, the risk had been dealt with by the removal of the care staff involved by the home. CQC's role was to make sure residents were protected once police and social services had acted to deal with the abuse shown in the hidden camera footage. CQC acted quickly and appropriately in this regard.

It is the responsibility of the people who run and work in care homes to make sure they meet essential standards of care and to deliver good, safe care. CQC's

role is to check this through unannounced inspections and take action where we see poor care. Care staff; homes; councils; police and other stakeholders all have a part to play in the prevention of elder abuse. CQC also relies heavily on information from people who receive care and their families and friends. Anyone who sees evidence of abuse should call us and share their concerns.

You can read out press releases regarding both Ash Court and the Panorama programme below:

<http://www.cqc.org.uk/media/cqc-statement-panorama>  
<http://www.cqc.org.uk/public/news/care-home-worker-sentenced>

## **Exemptions**

### **Section 31**

Under section 31(3) of the Act we can choose to neither confirm nor deny if a date has been set for the next compliance review for this provider.

This is because the Commission considers that the ability to conduct unannounced visits is important as a way of assessing the quality of services and of the care being experienced by people who use those services. Providers are aware that CQC may visit and inspect their services at any time and, therefore, of the need to constantly maintain standards. As such disclosure of information regarding planned inspection dates - including revealing whether or not a date has been set for the next visit - may prejudice our regulatory function and would therefore be subject to the exemption from disclosure under Section 31(1)g of the Act.

In applying Section 31 a public interest test is required.

In conducting this test, I have considered that there is a public interest in knowing that the Commission is carrying out its public functions by visiting regulated services to ensure their compliance with the regulations, and that disclosure may increase confidence in the monitoring of services by CQC.

Against this, I have considered that it is not in the public interest for dates of future visits to be made public before they have commenced as this may prejudice our function as regulator and affect our ability to determine compliance with the regulations. Prior knowledge of dates of inspections could affect the outcome of visits and reviews which could in turn have an effect on services received by the general public.

Having considered all of the above factors, it is the Commission's view that it is in the public interest neither to confirm nor deny holding the requested information.

For further information on how compliance reviews are triggered please see the link below:

<http://www.cqc.org.uk/organisations-we-regulate/registered-services/how-we-inspect>

### **CQC Complaints Procedure:**

I hope that you find this information of assistance. If you are not satisfied with the information that you have been provided then you may request a review of the Commission's handling of your information request. Please clearly indicate that you wish for a review of your information request and it would be helpful if you could state the reason for requesting the review.

Please be aware that this review process will focus upon our handling of your information request and should not be used to raise further concerns about the provision of care or the internal processes of other CQC functions.

If you are unhappy with other aspects of the Commission's actions, or of the actions of registered providers, please see our website for information on how to raise a concern or complaint. <http://www.cqc.org.uk/contact-us>

### **Internal Review of your Freedom of Information Request:**

To request a review please contact:

Legal Services & Information Rights  
Care Quality Commission  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA

[xxxxxxxxxxxx.xxxxxx@xxx.xxx.xx](mailto:xxxxxxxxxxxx.xxxxxx@xxx.xxx.xx)

Further rights of appeal exist to the Information Commissioner's Office ([www.ico.gov.uk](http://www.ico.gov.uk)) once the internal appeals process has been exhausted.

The contact details are: -

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone Helpline: 0303 123 1113