The role of CQC in the regulation of care services

CQC is the independent regulator of health and social care services in England.

We make sure hospitals, care homes, dental and GP surgeries, and all other care services in England provide people with safe, effective, compassionate and high-quality care, and we encourage them to make improvements.

We do this by inspecting services and publishing the results on our website to help individuals make better decisions about the care they receive.

CQC is a non-departmental public body (NDPB), overseen by the Department of Health, established under the Health and Social Care Act 2008.

CQC came into existence on 1 October 2008 with the appointment of Board members and a Chief Executive. As a NDPB, the Commission is accountable to the Secretary of State for discharging its functions, duties and powers effectively, efficiently and economically.

CQC became fully operational on 1 April 2009 when it took over the activities of the Commission for Social Care Inspection (CSCI), the Healthcare Commission (HC) and the Mental Health Act Commission (MHAC).

We have published information about who we are, what we do and how we do it, on our website:

www.cqc.org.uk/content/what-we-do

It may be useful to advise you of the role of CQC in handling complaints about regulated care services, conducting safeguarding investigations and monitoring care services compliance with government standards of care.

CQC is the independent regulator for all health and social care services in England, whether they are provided by the NHS, local authorities, private companies or voluntary organisations. We also protect the rights of people detained under the Mental Health Act.

We are responsible for checking that every care provider that is registered with us meets important standards of quality and safety. However, the duties that we’ve been given by Parliament do not include dealing with individual complaints about providers’ services.

Since April 2009 there has been a common approach to dealing with complaints across health and social care. This gives organisations the flexibility to deal with complaints effectively and to use people’s experience to make services better.

Complaints are an important indicator of the standard of care provided and when they are positively resolved, they lead to improvement in services.

In accordance with the Health and Social Care Act 2008 and the Local Authority
Information on the Role of CQC and Complaints

Social Services and NHS Complaints Regulations 2009, **CQC cannot consider individual complaints** about the services we regulate.

The only exception to this are complaints from people whose rights are restricted under the Mental Health Act, or their representatives, about the way staff have used their powers under the Mental Health Act.

Complaints should be made directly to the service providing the care. By law, all health and social care services must have a procedure for dealing efficiently with complaints.

Our leaflet, “How to complain about a health or social care service”, explains how to make a complaint about a care service.

You will note that on pages 4 and 5 of this leaflet it advises individuals that they can make a complaint to their local council if the local council paid for the care.

Information about making a complaint is available on our website:

www.cqc.org.uk/content/complain-about-service-or-provider

Even though we cannot look into complaints about health care or social care services, we do like to hear from individuals if they are not happy about the care they or their relative have received. This is because we can use the information when we are looking at individual services to make sure that they are meeting important standards of quality and safety. If they are not, we can use our legal powers to make them improve their services for the benefit of people using the service now and in the future.

The feedback individuals give us is used in many different ways and, while we can’t respond to individual complaints, we always listen to what people have got to say.

Feedback helps us to identify the issues that are important to people and also helps us to:

- spot problems or concerns in care
- plan national and local activities, known as reviews and studies, that focus on health and social care patterns around the country
- make decisions on whether a service should be able to operate
- monitor services, particularly whether they are meeting the essential standards
- look at whether commissioners are referring the correct services to people

There is information on our website which explains how individuals can share their experiences of care with CQC:

www.cqc.org.uk/share-your-experience/guidance-sharing-your-experience-us
Information on the Role of CQC and Complaints

Safeguarding

Although safeguarding is a key priority for CQC, arrangements for safeguarding adults fall under the Department of Health policy framework of “No Secrets” guidance (2000), which gives councils the responsibility for establishing and coordinating local multi-agency procedures for responding to allegations of abuse of adults.

CQC have published information about safeguarding on our website together with our “Safeguarding protocol” which outlines our commitment to safeguarding:

www.cqc.org.uk/content/safeguarding-people

Information of concern

Information of concern is logged by CQC in three different ways:

1. As information of concern
2. As safeguarding information
3. As whistleblowing information

(Whistleblowing is the term used when someone who works for an employer raises a concern about malpractice, risk (for example about patient safety), wrongdoing or possible illegality, which harms, or creates a risk of harm, to people who use the service, colleagues or the wider public.)

Monitoring compliance with the essential standards of quality and safety

The role of CQC in the regulation of care services is to determine whether care services are meeting government standards as set out in the relevant legislation.

When running or managing a care service and carrying on a regulated activity there are certain things providers have to do by law. The law also makes certain requirements of CQC, and sets out the powers it has to regulate services.

All of this is contained in certain acts and regulations, which together are referred to as the relevant legislation; the Health and Social Care Act 2008, the Care Quality Commission (Registration) Regulations 2009 and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

The legislation is available to view or download from our website:

www.cqc.org.uk/content/legislation

The Health and Social Care Act 2008 established CQC as the regulator of health and adult social care services. It is a single Act of Parliament that contains our powers and duties.
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Regulations are made under powers set out in the Health and Social Care Act 2008, and they provide more detail about the powers and duties CQC has, and about the duties that people providing and managing services have. The regulations made under the main Act change more frequently than the Act itself.

The Care Quality Commission (Registration) Regulations 2009 came into force on 1 April 2010. They apply to all regulated activities, and make requirements about the way that people who wish to provide or manage a regulated activity in England can become registered.

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 have come into force at different times according to the type of service involved. They contain definitions of the services and activities that people must be registered to provide. In some cases, they contain details about the stages at which different types of provider will be brought into the registration system. They also contain details of the standards that people registered to provide and manage services will have to observe.

If, at any time, we have concerns that care services are not meeting standards, we can carry out a responsive review.

By law, providers of certain adult social care and health care services have a legal responsibility to make sure they are meeting essential standards of quality and safety.

These are the standards everyone should be able to expect when they receive care.

CQC has written guidance about what people who use services should experience when providers are meeting essential standards, called “Guidance about compliance: Essential standards of quality and safety”.

You can view or download a copy of the standards from our website through the following link:

www.cqc.org.uk/content/guidance-meeting-standards

There are 28 essential standards in total, of which 16 relate most directly to the quality and safety of care. These 16 standards are grouped into five key areas.

When we inspect we can check all or part of any of the 16 standards at any time depending on the individual circumstances of the service. Because of this we often check different standards at different times.

CQC has published information about our inspections on our website:

www.cqc.org.uk/content/our-inspections

You can also access information on how we inspect on our website via this link:
www.cqc.org.uk/content/how-we-inspect

You can access information on how we enforce on our website via this link:

www.cqc.org.uk/content/how-we-enforce

You can access information on how we publish on our website via this link:

www.cqc.org.uk/content/how-we-publish

You may also wish refer to our publication “A fresh start for the regulation and inspection of adult social care” which sets out our new approach to inspecting social care services such as care homes:

www.cqc.org.uk/content/fresh-start-inspecting-adult-social-care-services-new-chief-inspector-sets-out-her-initial

www.cqc.org.uk/blog/andrea/fresh-start

We began using our new approach to inspect and regulate adult social care services on 1 October 2014.

We explain our approach in our provider handbooks and appendices for community and residential adult social care and hospice services.

The handbooks can be accessed on our website:

www.cqc.org.uk/content/adult-social-care#handbooks

Please refer specifically to page 13 of the handbook for residential adult social care services for information about concerns, complaints and whistleblowing.

The requirement to register with CQC

Care services must register with CQC if they are carrying on “regulated activities”.

CQC has published information about registration on our website:

www.cqc.org.uk/content/what-registration

“Regulated activities” are listed in Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2012. They are:

- Personal care
- Accommodation for person who require nursing or personal care
- Accommodation for persons who require treatment for substance misuse
- Accommodation and nursing or personal care in the further education sector
- Treatment of disease, disorder or injury
- Assessment or medical treatment for persons detained under the Mental Health Act 1983
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- Surgical procedures
- Diagnostic and screening procedures
- Management of supply of blood and blood-derived products
- Transport services, triage and medical advice provided remotely
- Maternity and midwifery services
- Termination of pregnancies
- Services in slimming clinics
- Nursing care
- Family planning services

There are definitions of each of these regulated activities and more information in our guidance titled “The scope of registration”.

It is a criminal offence to provide any of the types of service we regulate without being registered.

We use the term “registered provider” to mean the legal entity responsible for carrying on the health or adult social care services we regulate. The legal entity can be one of three types of provider: individuals, partnerships or organisations.

A “location” is a place in which, or from which, regulated activities are provided or managed.

Notifications

All adult social care, independent healthcare, primary dental care and independent ambulance providers must notify CQC under the Health and Social Care Act 2008 about a number of changes, events and incidents affecting their service or the people who use it.

CQC has produced a table summarising the required notifications, the regulations they fall under and the essential standards outcomes they relate to.

CQC has published information about notifications on our website:

www.cqc.org.uk/organisations-we-regulate/registered-services/notifications/notifications-non-nhs-trust-providers

We use the information from notifications to identify risks of non-compliance which may or may not result in an inspection taking place.

Review our Inspection Reports

Our inspection reports can often help applicants gather valuable information about a service and can sometimes help to identify particular issues which they may wish to make a revised request about. We would therefore recommend that you review these when considering any revised request. As explained above, these are available on our website.

Freedom of Information
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CQC has published information about how to make requests for information on our website:

www.cqc.org.uk/content/freedom-information