

Response issued under the Freedom of Information Act 2000

Our Reference: CQC IAT 2021 0425

Date of Response: 28 October 2020

Information Requested:

***“Anson Court
Beane River View
Belmont View
Bushey Heath (Heath House)
Courtland Lodge
Dukeminister Court
Elizabeth House
Elmhurst
Fossehouse
Garden City Court
Greenacres
Jubilee Court
Mayfair Lodge
Meresworth
Moutbatten Lodge
pinewood lodge
providence court
Richard Cox House
The mead
Trefoil House
Tye Green Lodge
Vesta Lodge
Willows Court***

I am requesting under the freedom of information Act the following

1/ On an inspection to any of the provider Quantum Care does CQC inform the care homes they run of the inspections dates conducted by CQC?

2/ Are all Quantum Care homes named above permitted to charge for medication and inconvenience pads?

3/ What are the legal requirements of a Registered Home Manager to be in Regulation with CQC regulations? through skills for care is a NVQ level 4 in Health and Social care sufficient to run a whole care home successfully?

4/ All Documents of all Quantum Care Registered Home Managers are required through the freedom of information legislation as to show all Registered Home Managers are correctly Qualified to fulfil their role as running a care home of vulnerable adults.

5/ All Quantum Care documents on safeguarding issues since 2010 to present?

6/ Is there a ratio of 1 carer to 5 Residents? does CQC have a legislation on this please would you explain.

7/ Does Quantum Care all care homes have sufficient numbers of carers on a night shift/Day Shift in all care homes? if so what is the number by the dependency tools by Quantum Care records and CQC requirements do they match?

A/ for example 85 Residents how many carers are a requirement on day shift?

B/ for example 85 Residents how many carers are required on a nights shift ?

C/ for example 61 Residents how many carers are required on a day shift and night shift?

8/ February 2018 there was a safeguarding issue at Belmont View care Home the Resident was not supplied risk assessments or NHS physiotherapy that resulted in the Resident getting sepsis and dying is this documented with CQC? if so can this be provided with the redaction of the Resident and family member.

9/ Does CQC inspect all care homes have fire risk assessments? if so how does CQC ensure all care homes above have fire risk assessments? Documentations required.

10/ Does CQC check all employees carers at the above care homes are 50% qualified in individual care home NVQ Level 2/3 Health and Social Care as to have 50% experienced carers in the all the above care homes how does CQC inspect this? percentage of all care homes above that hold these qualifications is required.

11/ In an CQC inspection does CQC monitor falls of Residents? if so please provide the number of fall in all the above care homes from 2010 to present with the relevant dates?

12/ How many falls of a Resident would alert CQC of a problem in one year can you supply the number of falls that would then raise alarm to CQC in 3 months, 6 months and a year all all the above care homes?

13/ Does and How CQC monitor all care homes above employees to administer medication has the correct training of the side effects of all tablets? if so what training is conducted and what should be conducted for safety of the Residents?

14/ Why does CQC place a incorrect email address as enquire@cqc.org.uk why does this address not work that is supplied on CQC website for the members of the public to raise concerns of safety to Residents? What is your valid email address?

15/ Under the National Minimum Standards (standard 27) What are all care homes above DOH guidance Staff/ Resident ratio?

16/ How many complaints have been made about all the above care homes from 2010 to present with dates of all homes concerns?

17/ What is the average fees a care home can charge for a privately funded Resident that is living wth Dementia in Hertfordshire and Bedfordshire and Essex?

18/ What are the prices all care homes of the above are charging to Residents? and if this is the correct prices please demonstrate this as to see no over charging of Residents at any of the above care homes?

19/ Does all care homes of the above have liability insurance? if so is this documented and displayed for all to see? This information is required as to certify all care homes are legally insured in respect of death, injury,public liability, damage or other loss.

20/ Has their been any allegations of misconduct or gross misconduct by the registered persons of all care homes since 2010 to present reported to CQC? or any person that works at any of these care homes above?

21/ Has theft, burglary or accidents happened in all care homes named above? and the documentation on these reports to CQC information is required from 2010 to present?

A/ How many reports of all of these to the Individual homes example Elmhurst Care Home - 2010 had 1 theft of a resident that was reported to CQC date ----- Providence Care Home - 2010 had 0 thefts 10 accidents as follows date -----

22/ Who many break outs of D and V and chest infections or diseases have been reported about all care homes above 2010 to present?

23/ How many reports of neglect of residents have been reported to CQC of all care homes above since 2010 to present with dates of the reports included with redactions if needed.

24/ What is CQC retention number of years of data of a Resident and providers information to be held on file?

25/ Has all care Homes supplied a dentist that is dementia trained through the NHS as to provide free oral health care to all residents?

26/ Are all the above care Homes boilers checked yearly?

27/ Has any reports of gas leaks from all care homes since 2010 to present with dates been reported to CQC?"

The Information Access team has now coordinated a response to your request.

CQC has considered your request in accordance with the Freedom of Information Act 2000 (FOIA).

In accordance with section 1(1) of FOIA we can confirm that CQC holds some recorded information in relation to this matter.

However, we are refusing to disclose information in response to your request because we consider the cost of doing so would exceed the cost limit, as defined by section 12 of the FOIA.

A full explanation of section 12 can be found further in our response, following a brief explanation of the FOIA itself.

Where possible, we have also provided some information that may assist you in the 'Advice and Assistance' section of our response.

The Freedom of Information Act 2000

The purpose of FOIA is to ensure transparency and accountability in the public sector. It seeks to achieve this by providing anyone, anywhere in the world, with the right to access recorded information held by, or on behalf of, a public authority.

The main principle behind FOIA is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

A disclosure under FOIA is described as "applicant blind" meaning that it is a disclosure into the public domain, not to any one individual.

This means that everyone has a right to access official information. Disclosure should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by FOIA.

An applicant does not need to give a reason for wanting the information. On the contrary, the public authority must justify refusing the information.

FOIA also recognises that there may be valid reasons for withholding information by setting out several exemptions from the right to know, some of which are subject to a public interest test.

Exemptions exist to protect information that should not be disclosed into the public domain, for example because disclosing the information would be harmful to another person or it would be against the public interest.

A public authority must not disclose information in breach of any other law.

When a public authority refuses to provide information, it must, in accordance with section 17 of FOIA, issue a refusal notice explaining why it is unable to provide the information.

Exemptions

Section 12- Cost Limit

CQC considers your request to be exempt from disclosure under section 12 of the Act.

Specifically, in order to answer part 5 of your request, we would be required to extract information contained within over 900 records.

We can inform you that, across the time frames specified, CQC has recorded over 900 enquiries as safeguarding, across all locations where care is, or has been provided by Quantum Care Limited.

This includes the number of safeguarding notifications made to CQC.

We can also inform you that, in response to parts 4 and 9 of your request, we would manually be required to extract information over a significant time frame and number of active and inactive locations.

Section 12 of the FOIA applies where the cost to a public authority of complying with any individual request would exceed £450. In such cases, the public authority can refuse to comply with the request for information.

We estimate that performing a search for information across the concerns and notifications records held, plus across all registered health and adult social care locations, would vastly exceed this limit.

As a public authority we wish to be transparent and open about our work, but we have a statutory responsibility to use our resources effectively.

Paragraph 2(3) of Schedule 1 to the Health and Social Care Act 2008 states that “It is the duty of the Commission to carry out its functions effectively, efficiently and economically.

A public authority such as CQC is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In calculating whether this appropriate limit is exceeded, regulation 4(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 requires that the time taken in responding to requests (locating, retrieving and extracting the information) must be calculated at a rate of £25 per person per hour. Therefore, any requests where it would take over 18 hours to locate, retrieve and extract the information would exceed £450.

CQC estimates that to search our records for the requested information would take significantly longer than 18 hours and we are therefore refusing to comply with any part of it.

In making the decision we have referred to guidance published on the Information Commissioner’s Office (ICO) website:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Specifically, ICO guidance states “...multiple requests within a single item of correspondence are separate requests for the purpose of section 12” – this means that section 12 applies to each part of your request, therefore we are not obliged to respond to any other part of it.

Advice and assistance

Under section 16 of the Freedom of Information Act 2000 (and in accordance with the section 45 code of practice) we have a duty to provide you with reasonable advice and assistance.

Under section 12 of the FOIA, a public authority does not have to respond to any part of a request if responding to some of it would exceed the allowable cost limit.

However, we would advise you to visit the CQC website, which provides useful information about our role and what we do, in answer to some parts of your request.

Please visit:

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

We would also advise you that, before making any further information requests to CQC, helpful advice on how to make appropriate information requests is available on the Information Commissioner's Office (ICO) website.

The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Please visit:

<https://ico.org.uk/your-data-matters/official-information/>

Specifically, the 'Do's and Don't's' section contains a quick reference tool with helpful advice on how to make a request clear and specific enough to be likely to be responded to.

CQC Complaints and Internal Review procedure

If you are not satisfied with our handling of your request, then you may request an internal review.

Please clearly indicate that you wish for a review to be conducted and state the reason(s) for requesting the review.

Please note that it is usual practice to accept a request for an internal review within 40 working days from the date of this response. The [FOIA code of practice](#) advises that public authorities are not obliged to accept internal reviews after this date.

Please be aware that the review process will focus upon our handling of your request and whether CQC have complied with the requirements of the Freedom of Information Act 2000. The internal review process should not be used to raise concerns about the provision of care or the internal processes of other CQC functions.

If you are unhappy with other aspects of the CQC's actions, or of the actions of registered providers, please see our website for information on how to raise a concern or complaint:

www.cqc.org.uk/contact-us

To request a review please contact:

Information Access
Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

E-mail: information.access@cqc.org.uk

Further rights of appeal exist to the Information Commissioner's Office under section 50 of the Freedom of Information Act 2000 once the internal appeals process has been exhausted.

The contact details are:

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

Telephone: 0303 123 1113

Website: www.ico.org.uk