Care Quality Commission

The role of regulation in driving up standards

Ann Farenden 2nd November 2011

How does regulation drive up standards? - Overview

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- Registration
- Monitoring compliance
- Enforcement
- Working with others

Registration

Providers are legally responsible for meeting essential standards of quality and safety.

The public has a right to expect services that meet these standards whenever or wherever they receive care

CQC register and licence care services if they meet the essential standards

The scale of regulated care

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Primary medical services

9,000 providers

Independent healthcare

1,500 providers

Independent ambulances

200 providers

NHS hospitals

409 providers

Adult social care

12,500 providers

Primary dental care

8,000 providers

Combined outpatients and inpatients

77.4 million

People using adult social care services

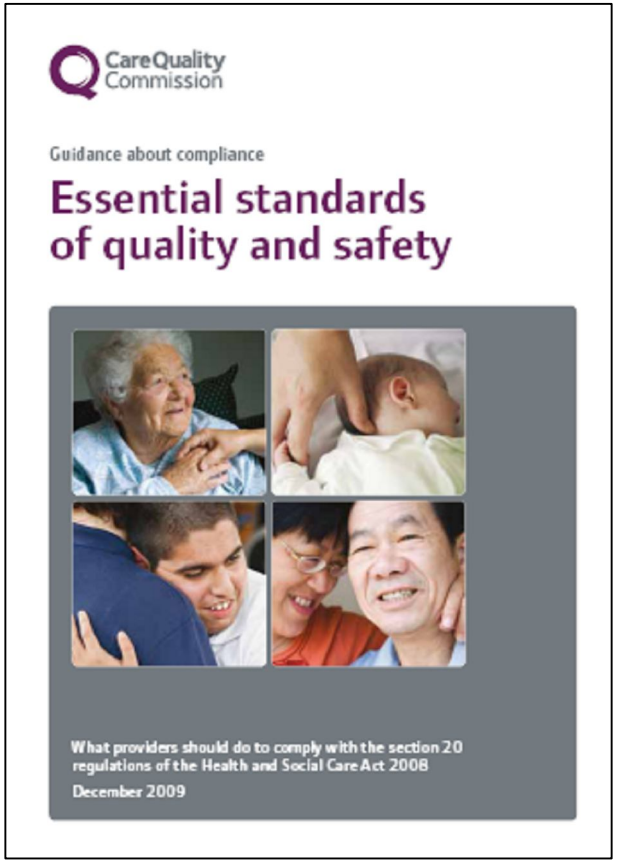
1.75 million

Dental appointments

36.4 million

Plus additional c700 providers (bodies currently licensed HFEA and HTA)

Essential Standards



- **Regulations**
- **Outcomes**
- **Prompts**
  - **for all providers**
  - **for specific services types**

CQC's guidance about compliance: example of an OUTCOME

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Care and welfare of people who use services

OUTCOME 4

What should people who use services experience?

People using the service:

Experience effective, safe and appropriate care, treatment and support that meets their needs and protects their rights

That is because providers who are compliant with the law will:

Take appropriate steps to ensure people are protected against risks of receiving care or treatment that is inappropriate or unsafe

Carry out assessment of all needs, including assessments of risk

Plan and deliver care and treatment which meets those needs, ensures safety and welfare

Delivers care and treatment that reflects published evidence/guidance of good practice

CQC's role as a regulator

- CQC checks whether or not care meets the 'essential standards' the government says people should expect
- Outcome-based evidence is used to make judgements about whether care meets the standards
- Care can be 'compliant' or 'non-compliant' with the regulations set out in law
- CQC can set actions where care fails to meet standards
- Providers are responsible for making sure the care they deliver meets standards set in law – **CQC is not responsible for improvements**

What happens in compliance monitoring?

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- Risk- base assessment using range of information
  - QRP
  - Local intelligence
  - User feedback
  - Whistleblowers
- Focus on regulations and outcomes

Reviews

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There are 16 CQC 'essential standards' -

Planned review

Focus on

- All 16 essential standards
- Currently planned for every 2 years minimum
- May involve site inspections

Responsive review

Focus on

- Specific outcomes identified as risks to compliance
- Carried out as necessary at any interval
- Involves site inspections

How are judgements made?

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- Inspectors consider if they have enough evidence to make a judgement.
- Use the judgement framework to promote consistency in judgements
- Use professional judgement and individual circumstances of the provider
    - Is there potential non compliance?
    - How is regulation not being met?
    - Has provider done all reasonably practicable?
    - Is the initial judgement proportionate?

Regulatory responses

Consider what is reasonably practicable and proportionate

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Formal regulatory action – compliance action

Enforcement Action – warning notice

Civil enforcement

Variation/removal of Registration

Conditions of registration

Suspension of registration

Cancellation of registration

Criminal law

Fixed penalty notice

Simple caution

Prosecution

Simplifying and strengthening the regulatory model

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- We plan to visit services to check, or inspect, them more often
- Judge providers to be compliant or non-compliant
- Focus on non - compliance
- Continue with scheduled, responsive and themed inspections – unannounced
- More targeted inspections – not necessarily all 16 core standards every year
- Not ask the provider to send information before an inspection
- Continue to analyse and monitor information profile of each service

Consultation

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Our proposals for our Judgement framework and Enforcement policy

Closes 9th December 2011

www.cqc.org.uk/yourviews/consultation.cfm

Working with others

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- Professional regulators
- Professional Bodies
- Department of Health
- Monitor
- User representative bodies

Summary

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- CQC is one part of the system for driving up standards
- Working with other regulators bodies is important
- Providers are legally responsible for meeting Essential Standards of Quality and Safety
- Nurses can and should use the Essential Standards to guide their practice
- Ongoing compliance monitoring is key to driving up standards – participate in changes through consultation

Any Questions?

Thank You

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