

CQC's new regime - what happens now?

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Summary

The CQC has now published the outcome of the consultation it ran recently on forthcoming changes to its regulatory regime.

The headlines are as follows:

Firstly, there will now be two CQC assessment frameworks (instead of the current multiple provider handbooks) - one for healthcare and one for adult social care. In terms of timing, NHS Trusts are expected to implement the new assessment frameworks from this month, whilst adult social care providers and GPs will have until November 2017 and independent sector providers until 2018/19 to implement the new frameworks.

Secondly, there will be a new monitoring, inspection and ratings regime for NHS Trusts, also coming into effect from this month, meaning that all Trusts can expect each year to have a well-led assessment and at least one core service inspection. Similar changes may be brought in for other providers - including independent sector providers - following further CQC consultations this year.

In this alert, we take a brief look at the key changes.

What will be changing?

New assessment frameworks

The CQC will be going ahead with its plan to introduce two assessment frameworks for all providers, to replace the existing provider handbooks.

The 5 Key Questions (Are services safe, effective, caring, responsive and well-led) will remain unchanged, but there are various revisions and additions to the existing Key Lines of Enquiry and Prompts. For healthcare providers, for example, there are new KLOEs/Prompts in relation to medicines management, end-of-life care, use of technology, response to external alerts/reviews and involvement of families and carers.

In order to help providers update systems/processes which may be aligned to the existing assessment frameworks, the CQC has published versions of the frameworks with the changes clearly marked (as per the links in the 'Summary' section above).

New CQC regime for NHS Trusts

The consultation proposals in relation to how NHS Trusts should be monitored, inspected and rated going forward will be implemented broadly as originally proposed. The key points in the new CQC regime for NHS Trusts are as follows:

Monitoring

In terms of how the CQC monitors NHS Trusts and decides which core services to inspect and when, the new 'CQC Insight' system will be going ahead, but initially focusing on existing data collections available nationally. The new, annual Provider Information Requests (PIRs) will also be implemented, and the first batch of NHS Trusts (identified on a risk basis plus those not inspected in the last 12 months) can expect to receive a new-style PIR in the second half of this month, with targeted inspections likely to follow in the following 6 months after a PIR request. There will also be quarterly relationship management meetings with Trusts, which will help inform the CQC's regulatory planning.

Inspection

Having received broad support for the proposals relating to the nature and frequency of inspections (with some caveats, such as issues raised about whether yearly well-led assessments would be too frequent), the CQC is going ahead with its plan for NHS Trusts to have a well-led assessment and assessment of at least one core service each year (with frequency of core service inspections subject to how services were rated at the last inspection).

Trust level well-led assessments will take place approximately once a year. Trusts will be informed of the timing of these following the CQC's internal regulatory planning meetings. The CQC has indicated that the scope/depth of these well-led inspections may vary according to the nature of the individual Trust.

In relation to core services, each year the CQC will inspect all core services rated 'inadequate', half of those rated 'requires improvement', a third of those rated 'good' and a fifth of those rated 'outstanding'. In order to address concerns expressed in the consultation that long gaps between inspections for some core services could prevent Trusts being able to demonstrate improvements, some core service inspections will be triggered by information suggesting that the quality of care has improved.

A consultation on monitoring/inspection regime changes for the adult social care and primary medical care sectors has just been launched, and there will be a similar consultation later in 2017/18 on proposed changes to how independent sector providers are regulated and rated.

Ratings

A common concern expressed by those who responded to the CQC's consultation related to the need for improved transparency about how ratings are arrived at.

The new assessment frameworks contain revised guidance about what 'outstanding', 'good', 'requires improvement' and 'inadequate' look like for each of the 5 Key Questions. The CQC has committed to setting out clearly in each report how it reached the rating for each question, including factors considered and how this impacted on the CQC's decision-making.

What next?

A further consultation has just been launched about a number of issues relevant to all sectors - including how providers are registered, new models of care/complex care providers and proposals for provider-level assessments - plus proposed regulatory regime changes for adult social care and primary medical care (closing date 8 August 2017), with a third consultation in relation to CQC regime changes for independent sector providers expected later in 2017/18.

Meanwhile, the first tranche of new-style information requests will be sent out to NHS Trusts this month, with the first of the 'next phase' NHS Trust inspections likely to take place between September and November 2017. The new system for NHS Trusts is expected to be fully embedded by Spring 2019.

How we can help

Our experienced team of healthcare regulatory and governance specialists can help health and social care providers with the full range of issues that CQC regulation brings with it.

This can range from ad hoc queries about CQC registration requirements (e.g. in connection with new models of care or new entrants into the market), through to helping prepare for CQC inspections (e.g. pre-inspection well-led reviews) and working with in-house CQC compliance teams to make best use of the critical 10 day window for raising factual accuracy points about draft inspection reports.

If the CQC goes on to take enforcement action - whether using its civil powers (e.g. warning notices or conditions on registration) or criminal powers (e.g. prosecution for breach of CQC regulations) - we can provide the necessary advice and representation to help achieve the best outcomes.

If you have any queries relating to the new CQC regime or any other matter related to CQC regulation, please contact Corinne Slingo on +44(0)117 918 2152 or at cslingo@dacbeachcroft.com.

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