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| Report to: | Board of Directors | Agenda item: | 11 |
| Date of Meeting: | 27 May 2020 | | |

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| Title of Report: | Care Quality Commission (CQC) Update |
| Status: | For discussion |
| Board Sponsor: | Lisa Cheek, Director of Nursing and Midwifery |
| Author: | Rob Eliot, Quality Assurance and Clinical Audit Lead |
| Appendices | None |

1. **Executive Summary of the Report**

The purpose of this report is to update the Board of Directors on changes that the Care Quality Commission (CQC) are making to their regulatory approach due to the impact of the coronavirus (COVID-19) pandemic.

The CQC are introducing an Emergency Support Framework which sets out changes to the CQC regulatory approach during the pandemic. This framework is designed to allow the CQC to be flexible in the approach they take during the evolving situation whilst also being able to act where there is evidence of risk of harm, deliberate abuse, systematic neglect or a significant breakdown in leadership. The approach centres on the sharing of information and supportive conversations with providers in identifying and responding to concerns.

2. **Recommendations (Note, Approve, Discuss)**

The Board of Directors is requested to note the changes to the CQC regulatory approach, through the introduction of the Emergency Support Framework, during the COVID-19 pandemic.

3. **Legal / Regulatory Implications**

It is a legal requirement to comply with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3).

4. **Risk (Threats or opportunities, link to a risk on the Risk Register, Board Assurance Framework etc)**

A failure to identify and respond to risks in the delivery of patient care could risk the Trust's registration with the Care Quality Commission.

5. **Resources Implications (Financial / staffing)**

The costs of compliance with the CQC fundamental standards are embedded within operational delivery costs.

6. **Equality and Diversity**

Equality and Diversity legislation is an integral component to registration.

7. **References to previous reports**

None

8. **Freedom of Information**

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Care Quality Commission (CQC) update

1 Introduction

- 1.1 The purpose of this report is to update the Board of Directors on changes the Care Quality Commission (CQC) are making to their regulatory approach due to the impact of the coronavirus (COVID-19) pandemic.
- 1.2 The CQC issued a joint statement from their Chief Inspectors for Hospitals, Primary Medical Services and Integrated Care and Adult Social Care on 30 April 2020 setting out their approach.
- 1.3 Whilst the CQC have suspended their routine inspections, the regulatory role of the CQC has not changed. The core purpose of the CQC remains to ensure that health and social care services provide people with safe, effective, compassionate, high-quality care.
- 1.4 The CQC will continue to inspect services where there is evidence of risk of harm, deliberate abuse, systematic neglect or a significant breakdown in leadership.
- 1.5 The CQC have developed an Emergency Support Framework which will be used throughout the pandemic to identify where there are increased risks to people. It is designed to enable the CQC to deliver its core purpose by taking appropriate action to keep people safe whilst also allowing the CQC to be flexible in responding to the changing needs of the health and social care system.

2 Emergency Support Framework

- 2.1 The Emergency Support Framework is being rolled out on a sector by sector basis from 4 May starting with adult social care providers.
- 2.2 The CQC will adapt the approach they take to the differing needs of people in each sector. As the new approach is introduced into each sector, guidance will be available on their website providing further detail on what the approach looks like in practice. This guidance will continue to be updated as the situation evolves.
- 2.3 The Emergency Support Framework consists of the following key elements:
 - Using and sharing information to target support where it's needed most
 - Having open and honest conversations
 - Taking action to keep people safe
 - Capturing and sharing what we do

3 Using and sharing information

- 3.1 The CQC will continue to use information collected through its usual data sources (including CQC Insight) to identify key trends and concerns and share these with local and national partners, such as NHS England and the Department of Health and Social Care, to manage risks and identify where more support is required.
- 3.2 The CQC is also reviewing how it can obtain more feedback from public and care staff and introducing new data sources where required, such as a daily tracker for care at home services.

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4 Having open and honest conversations

- 4.1 The CQC approach is centred around providing open, honest and supportive conversations with care providers to identify the stresses and challenges they and the health community are experiencing. The CQC also aim to identify innovative practice so the learning can be shared with other providers and targeted advice can be provided to respond to emerging issues.
- 4.2 The CQC will prioritise the services to contact based on the potential level of risk to service users identified from information held from existing and new data sources and the inspectors' knowledge and experience of services. The frequency with which the CQC will contact providers will be influenced by the level of risk.
- 4.3 The calls to providers (through Microsoft Teams) will focus on four areas:
- Safe care and treatment
 - Staffing arrangements
 - Protection from abuse
 - Assurance processes, monitoring and risk management
- 4.4 The CQC will provide a summary of the information captured during the call including specific risks and challenges and sources of suggested support.
- 4.5 The calls to providers are not an inspection and no changes to ratings are applied as a result of these conversations. In order to minimise any additional pressure that could be applied to providers as a result of these conversations, supporting evidence about specific risks will only be asked for in exceptional cases.

5 Taking action to keep people safe

- 5.1 The information gained from calls to providers will help the CQC to determine if a service is 'managing' or 'needs support'.
- 5.2 Where there are serious concerns about actual or possible significant harm, abuse or breaches of human rights the CQC will determine the risks involved and decide whether to:
- Provide additional support and guidance
 - Arrange further follow-up calls
 - Use focused inspection and enforcement processes (in exceptional circumstances)

6 Sharing what we do

- 6.1 The CQC will not publish details of the discussions with providers on their website. However, where an inspection is required, an inspection report will be published. The CQC will also share information on the decisions taken as part of this process.

7 Recommendations

- 7.1 The Board of Directors is requested to note the changes to the CQC regulatory approach, through the introduction of the Emergency Support Framework, during the COVID-19 pandemic.

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