

## What next for the CQC?

There has been much commentary and promotion, mainly from the Care Quality Commission itself, as to how its new regulatory model represents a departure from its previous methodology.

Chief amongst the changes is the introduction of a single assessment framework, to streamline the inspection process and provide clarification for the regulated healthcare sector as to the relevant standards that need to be achieved. The CQC is hopeful that its new approach will enable it to be more dynamic in its assessment of services, and permit more contemporaneous data collection to take place.

That being said, figures revealed following a Freedom of Information request by Pannone Corporate (for which, see below) indicate that in terms of recent regulatory action, far from becoming a proactive and responsive organisation, the Commission is potentially becoming more sedentary in its approach.

### Headline figures

- Physical inspections have dropped from a peak of almost 23,000 in 2016. Whilst this was most noticeable following the imposition of the first national lockdown (17,671 in 2019, to 7,711 in 2020) and is for reasons that are well understood, there has only been a marginal increase subsequently and current figures remain far lower than pre-lockdown levels.
- The number of complaints received by the Commission has increased, and appear to have been unaffected by lockdown, with over 65,000 received during 2022. This is almost 20,000 more than were received at the height of the pandemic, and figures for year to date look set to continue this trend (25,017 between 1 January and 23 May 2023).
- There was an overnight increase in the number of whistleblower enquiries received by the CQC during 2020, with around a 50% increase on pre-pandemic levels and these have remained consistent since (over 15,000 in 2022, compared with around 10,000 in 2019).
- Despite apparent public awareness of the Commission's role, and an increase in the number of concerns being received, the total number of regulatory actions taken by the Commission has fallen year by year. Although there was a clear drop-off in the number of regulatory actions taken in 2020, figures have remained consistently low since, between 3,000 to 5,000 per year compared with the upwards of 15,000 each year in the period following the CQC's receipt of enhanced powers in 2015.

### Comment

The CQC became the lead inspection and enforcement authority for the regulated care sector in April 2015 and in the immediate years following its additional responsibilities was incredibly active, utilising the full range of its regulatory and enforcement powers in holding providers to account.

The latest figures however reveal a gradual decline in its regulatory activity - yet the Commission continues to receive record numbers of concerns. So why the discrepancy and what are the potential implications for providers?

Following 2015, there was a need within the CQC to inspect and assess all providers in accordance with the new fundamental standards that were introduced following the enactment of the Health and Social Care (Regulated Activity) Regulations. In turn, this will have brought to the Commission's attention instances requiring regulatory intervention.

As providers were assessed against the then new standards, and the CQC began to populate its ratings database, this would have reduced the need for immediate re-inspections. However, the number of regulatory actions taken by the CQC has also dropped year on year, from a high of over 19,000 in 2015 to less than 3,500 in 2022.

Whilst it would be possible to draw a positive correlation between the two sets of data, inspections are not the only method by which the need for intervention comes to the CQC's attention: the number of complaints and whistle-blower concerns are at an all-time high, but this does not appear to have translated into more action by the Commission.

## **Conclusion**

The CQC's new regulatory model is stated to focus on, *"what matters to people who use health and social care services and their families. It will let us provide an up-to-date view of quality."*

However, to be an effective regulator going forwards, and one with real teeth, the CQC has to combine its inspection and assessment framework with meaningful regulatory activity. Whilst to date, the CQC could be seen to have been relatively proactive – undertaking inspections of providers at fairly reasonable intervals – an inherent danger within its 'data-driven' approach is that this may result in it becoming reactive, as recent data perhaps tends to indicate.

This is a trend which has already been observed amongst other regulators over the last decade or so with, for example, the HSE progressing from an advisory and enforcement body, to one which only appears to react in a substantive manner following high profile incidents, or those involving a fatality. The HSE's current position and role leaves open the question as to the current state of health and safety enforcement within the country, and it would be unfortunate if a similar situation were to occur with the CQC, especially at a time when the sector is under immense pressure in terms of recruitment, retention, supply chain issues and the increased cost of care and living.

Hopefully the CQC's new regulatory model does more than simply re-phrase and rebrand its previous methodology, and serves to ensure its continued fitness for purpose.

<b>Raised Year</b>	<b>Number of Whistleblower Enquiries</b>
2015	9,671
2016	7,602
2017	7,718
2018	8,919
2019	10,162
2020	14,508
2021	17,232
2022	15,884
1/1/23-23/5/23	6,020

<b>Calendar Year Complaint Raised</b>	<b>Number of Complaints Raised</b>
2015	31,131
2016	40,341
2017	38,600
2018	39,861
2019	43,178
2020	43,173
2021	47,621
2022	65,591
1/1/23-23/5/23	25,017

<b>Year</b>	<b>Number of Safeguarding Enquiries</b>		
	<b>Alert</b>	<b>Concern</b>	<b>Total</b>
2015	1,924	78,364	80,288
2016	797	93,906	94,703
2017	905	121,403	122,308
2018	501	42,720	43,221
2019	518	26,384	26,902
2020	479	25,847	26,326
2021	682	24,675	25,357
2022	702	22,414	23,116
1/1/23-23/5/23	279	8,867	9,146

Calendar Year	Number of Inspections Undertaken			Total
	Announced	Not specified	Unannounced	
2015	318	175	15,353	<b>15,846</b>
2016	3,195	188	19,586	<b>22,969</b>
2017	5,765	19	12,723	<b>18,507</b>
2018	5,919	-	10,285	<b>16,204</b>
2019	6,684	-	10,987	<b>17,671</b>
2020	3,193	-	4,518	<b>7,711</b>
2021	4,009	-	5,577	<b>9,586</b>
2022	5,058	-	6,499	<b>11,557</b>
1/1/23- 23/5/23	1,458		2,223	<b>3,681</b>

Calendar Year	Number of Regulatory Actions																				Total Number of			
	Cancellation	Compliance	Fixed Penal	Impose a c	Prosecution	Recommen	Recommen	Recommen	Refuse regi	Register Ag	Remove a d	Requireme	Simple Cau	Suspension	Suspension	Urgent Ren	Urgent can	Urgent imp	Urgent rem	Urgent sus		Urgent var	Vary a cond	Warning no
2015	73	3,084		95							2	14,066			8			58		28	40	27	1,565	19,046
2016	69	59		164								15,236			27			100	10	42	13	33	1,348	17,101
2017	123	4		142		85	4	2	1	1	34	10,359			3		8	122		7	6	31	1,110	12,042
2018	178			192		123	5	2	3	3	89	9,312		4		1	16	84		4	6	51	937	11,010
2019	82			195		230	18	3	7	3	84	8,956				1	12	85		26	6	37	873	10,618
2020	67		14	97	5	18	3		2	6	60	3,550					3	74		17	2	31	515	4,464
2021	71		26	180	12		1		9	5	82	4,665		5			14	76		27	2	24	655	5,854
2022	113		12	63	6				9	3	53	5,364	3	5				21		24	1	39	265	3,473
1/1/23- 23/	34		2	13	2				4	1	8	1,291		1				4				7	27	1,395