

**CARE QUALITY COMMISSION: ENFORCEMENT POLICY
CONSULTATION RESPONSE
(Report by the Head of Administration)**

1. INTRODUCTION

- 1.1 At the Panel's meeting in December, Members considered a consultation document issued by the Care Quality Commission on their proposed enforcement policy for the regulation of health and adult social care services across the country. Having discussed the document, the Panel agreed to submit a response to the consultation.
- 1.2 Before finalising its submission the Panel requested that a representative of the Commission be invited to this meeting in order to understand better the Commission's role, how it fits into the wider health service framework and its links to other health service bodies. The Commission's regional office has been contacted and the Council has been advised that the Commission will not begin operating until 1st April 2009. An invitation to attend a future Panel meeting will be extended to the Commission in the spring.

**2. CARE QUALITY COMMISSION: ENFORCEMENT POLICY
CONSULTATION RESPONSE**

- 2.1 The consultation document asked three specific questions. The Panel's response to the consultation questions are summarised below:-

Q. *Do you agree with our proposed principles and overall approach to enforcement?*

A. Yes, agree to the principle of enforcement and the overall approach. Health and adult social care services should be tightly regulated and facilities that provide bad service should be closed.

Q. *Do you agree with the circumstances and manner in which we intend to use each enforcement power?*

A. Generally yes, however there are some concerns over the use of financial penalties as the Panel would not wish for these penalties to affect the level of patient care being delivered by diverting funds away from services. Furthermore, the rules set out appear to be onerous and if they are enforced they could result in facilities ceasing to be able to operate.

Q. *Does the way in which we propose to work with other organisations ensure a coordinated approach to enforcement?*

A. Do not believe that a coordinated approach to enforcement has been demonstrated within the document. Whilst it has been stated that working relationships will be formed with other enforcement bodies and organisations, these entities already have their own comprehensive systems and practices in place. There also is no

mention of the Local Involvement Network (LINK) and how it fits into the enforcement process.

- 2.2 In addition to the comments above, the Panel expressed concern over an apparent inconsistency in Appendix A of the document, which sets out the criteria for a formal investigation. While it is indicated that direct contact from service users might trigger an investigation, it is also stated that individual incidents that have not been pursued through the appropriate complaints procedure will not be investigated. The Panel expressed the view that this should be clarified and, as a result, it is intended that these comments will be sent to the Commission as part of the Panel's response to the consultation.

3. RECOMMENDATION

- 3.1 The consultation period for the proposed enforcement policy ends on 16th January 2009. The Panel is, therefore

RECOMMENDED

to endorse the consultation response for submission to the Care Quality Commission and to make any further comments on the Panel's response as necessary.

BACKGROUND INFORMATION

Minutes and Reports of the meeting of the Overview and Scrutiny Panel (Service Delivery) held on 2nd December 2008.

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