

**Care Quality Commission
National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA**

Our Ref: CenS/HA

2nd September 2009

Dear Sir / Madam,

**HUNTINGDONSHIRE DISTRICT COUNCIL'S OVERVIEW AND SCRUTINY PANEL
(SOCIAL WELL-BEING)**

In January 2009, Huntingdonshire District Council's Overview and Scrutiny Panel (Social Well-Being) endorsed for submission to the Care Quality Commission a response to the consultation on their Enforcement Policy. Whilst it was acknowledged by the Panel that the Commission would not begin operating until 1st April 2009, at the time, Members decided that an invitation to attend a future Panel meeting should be extended to the local branch of the Commission once it was up and running, to discuss its work. When considering the Enforcement Policy, it became apparent to Members that the framework in which the Policy would operate was complex and they wanted clarification on where the document would fit into the wider health service framework and its links to other health service bodies.

Since its establishment in April 2009, invitations have been extended to the Commission's regional office in Cambridge. Unfortunately this has been declined, however an attempt to engage with the District Council has been made, as Panel Members were invited by the Area Manager for the Eastern Region, Ms Barbara Skinner, to attend an event hosted by the Commission in July 2009 as part of the Regional

Consultation on Registration. Whilst the invitation to this event was warmly welcomed by the Panel, it is unfortunate that due to prior commitments, a representative from the District Council was unable to attend the event.

I am therefore writing to you on behalf of the Panel to seek clarification on the following issues which were raised at the Panel's meeting and I would be grateful if you could respond in writing to the following questions:-

- How is the Commission promoted to health service providers? Are providers aware of what the creation of the Commission will mean for them as individual health organisations? What steps have you taken to ensure they are aware of their responsibilities and the criteria against which they are to be assessed? Do you have any evidence of the level of engagement / commitment amongst health service providers to the new arrangements?
- The view has strongly been expressed that care services should be tightly regulated. Has the introduction of the Enforcement Policy resulted in the closure of any facilities to date on the grounds that they are not operating satisfactorily? How many actions to closure facilities that are not operating satisfactorily do you expect to take in an average year?
- Discussion has been held on the fact that financial penalties may be imposed on facilities that are performing below the required standard. The concern is that this could affect the level of patient care being delivered through the diversion of funds away from much needed services that may be in high demand. Is it the Commission's practice to take into account the individual circumstances of facilities on these lines when considering enforcement action?
- What is the relationship between the Care Quality Commission and the Local Involvement Network (LINK) system?
- Panel Members have noted the criteria for conducting a formal investigation; however, there seems to be an inconsistency in Appendix A of the Enforcement Policy in this respect. 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. Can you please clarify the

distinction between the circumstances that might lead to an investigation and those that will not?

- The Panel has formed the view that a co-ordinated approach to enforcement has not been demonstrated. In noting that working relationships will be formed with some other enforcement bodies and organisations who already have their own comprehensive systems and practices in place, the fear has been expressed that this will this could create an excessively complicated system, potentially resulting in delays in bringing enforcement actions to a conclusion? What safeguards have been put in place to ensure this does not occur?

May I take this opportunity to thank you in advance for taking the time to read this letter. Should you require any further information or clarification on the above, then please do not hesitate to contact me via the details below.

In the meantime, I look forward to receiving your response.

Yours sincerely,

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CC – Ms Barbara Skinner, Area Manager, Eastern Region, Cambridge