

CQC: Getting the right result, first time

SIWAN GRIFFITHS, Associate at Capsticks solicitors, examines what care homes can do to secure an accurate result from a CQC inspection



A CQC inspection can be a stressful and lengthy experience. It can take up to three months after the inspection to receive the draft report. I am frequently contacted by providers at this stage who are of the view that the draft inspection report and ratings do not accurately reflect the standard of care provided. What then follows is a process of challenge to the draft report which, as a result of our involvement, is finally published with an amended narrative and, very often, improved ratings.

However, what can a care home do to ensure that the draft report is 'right' first time? There are a number of steps care homes can take to achieve this goal.

The basics

Understanding and complying with the CQC's Fundamental Standards is the obvious starting point alongside having sound governance and assurance arrangements to monitor ongoing compliance and act on any issues that arise. This should form part of the everyday business of any care home.

Inspection trends and understanding the benchmark

Understanding how the Fundamental Standards are being interpreted by the CQC, and what the relevant inspection trends are is key. It is important to keep up to date with published CQC reports and guidance to fully understand, for example, the difference between 'requires improvement' and 'good'. By reflecting on these trends and benchmarks, care homes will be able to ensure that they avoid common pitfalls and stay on the right side of 'good'.

Current key themes arising within Safe are:

- Lack of effective medicine management protocols, agency staff not being trained in the home's protocols and not reporting medication errors.
- Insufficient permanent staff and over dependency on agency staff.
- Care Plans and risk assessments which are not service user specific nor updated on a regular basis.
- A lack of learning from incidents.

Keeping an eye on what 'outstanding' looks like is also key. In the 'safe' domain, evidence of 'an open safety culture', involving residents in staff recruitment, and finding imaginative ways to help residents manage risk (for example the use of non-verbal communication methods) are examples of CQC rating a care home

Outstanding for Safe.

Some current trends in Well Led are:

- Lack of audits to identify patterns or trends to reduce risk.
- Lack of communication between the Provider and Registered Manager.
- Services failing to respond quickly to remedy any failures.
- Not engaging with staff, residents and relatives to improve the quality of the care delivered.

As for the 'outstanding' benchmark in this domain, CQC is looking for evidence of innovation in the delivery of quality care. For example, the development of a strong dementia strategy, having an "inspirational" registered manager in place and ensuring that the care home has developed a culture of continuous improvement. Having a clear vision and strategy to deliver high quality care, and ensuring your staff understand and are engaged with this, is also key.

Support and empower your staff

What your staff says to inspectors carries significant weight and is frequently quoted in inspection reports. Engaging staff in the pre-inspection phase helps to ensure that staff understand what a CQC inspection entails and to ensure that they have a high degree of familiarity with the 5 domains. Staff should be supported so that they feel confident speaking to inspectors and can present the most accurate information to them. Well prepared care homes will be confident that the responses given by staff to inspectors reflect the true position of the care home. Staff should also be encouraged to speak up about any innovative or excellent practices used at the care home during discussions with inspectors.

This preparation will generate confidence in staff and will improve a care home's chances of securing the right outcome.

Engaging your residents in the inspection process, and encouraging them to get involved and having their say, is equally important as is keeping commissioners updated.

Working with the CQC and bringing constructive challenges

The relationship a care home has with the lead inspector is of fundamental importance to ensuring a smooth inspection process. It also helps to ensure that the post-inspection phase is handled efficiently. There should be open and constructive communication so

that issues can be addressed immediately during the inspection as they arise.

A factually accurate report is vital to getting the right result for a care home. Only 10 working days are permitted to consider the draft report and to make any factual accuracy submissions. The CQC encourages providers to go further than just pointing out typographical errors in draft reports; they expect providers to help them issue an accurate and fair report. As well as correcting typographical and numerical errors, a care home can challenge the accuracy of the evidence and provide further evidence for CQC to consider.

If the care home is unhappy with the ratings proposed in the draft reports, and believe these to be based on inaccurate findings, then this is the time to raise it with CQC. In practical terms, raising these issues after the 10 day period has closed will be too late. The ratings have been changed by the CQC in approximately 90% of cases where we have supported providers through the factual accuracy process. If used correctly, the factual accuracy process can deliver real results.

Following the inspection, dealing with any issues raised promptly and effectively is important, even before the draft report is received. Updating CQC on the action taken is also key. Proactively dealing with matters will give CQC confidence that a provider is taking concerns seriously and could prevent CQC from taking any enforcement action such as issuing a warning notice or threatening conditions.

Summary

The outcome of a CQC inspection can have a significant impact on the reputation of the care home. It is important to do everything in your power to secure the right result for the care home, its residents and staff. Hopefully the above will help you to take control of the process and lead from the front. **ct**

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