



CQC regulation

How we can help

Compliance, inspection and enforcement

The issue

CQC compliance is a business critical issue for providers of health and adult social care. The CQC's approach is changing at a rapid pace. Providers are facing a new inspection model which includes 'intelligent monitoring', the awarding of ratings and assessment against new 'fundamental standards'. Boards and management teams will need to be assured that their organisation is compliant with the new standards which include the fit and proper person requirement for directors and the duty of candour.

The CQC carried out approximately 40,000 inspections in 2013/14 and has committed to completing new-style inspections and awarding ratings to all registered providers in accordance with the following timetable:

- By January 2016 – all providers of acute NHS hospitals, mental health and community health services
- By April 2016 – all independent hospitals, providers of adult social care, GPs and ambulance services

CQC compliance is something which must be continually assessed and reviewed. If the CQC takes regulatory or enforcement action providers must respond quickly, sometimes by way of challenge and always by effective action planning and care improvement. Organisations which leave CQC compliance until the inspectors turn up or the draft inspection report is received will not be taking sufficient steps to protect their reputation nor ensure the quality of care they provide.

How we can help

We have a specialist healthcare regulatory team, working across our 4 national offices, consisting of expert lawyers and consultants. Our consultants are either CQC inspectors, specialists from a given sector (such as the NHS, the private sector, social or primary care) or clinical experts. We can help with any of the following:

Pre-inspection support

- Board level training on the CQC's new approach and corporate ownership of the issues arising
- Senior manager/clinical leader training on the meaning of the five key questions: 'safe, effective, caring, responsive and well-led', using case studies to engage staff on how to move from 'requires improvement' to 'good'
- Review of materials and data before pre-inspection submission to the CQC

- Training to commissioners of local services to raise awareness of CQC inspection and regulation
- Mock CQC interviews for Board members, business unit/divisional leads and senior managers
- Mock CQC inspections
- Board reports on the outcome of mock interviews and inspections
- Attendance at internal CQC project management team meetings

Post-inspection support

- Factual accuracy challenges
- Rating Appeals
- Advice on the 'special measures' regime
- Advice on interaction with commissioners and contractual sanctions/admission bans
- Appeals to the First Tier Tribunal
- Judicial Reviews
- Responding to Warning Notices and making representations about publication
- Representations and appeals against conditions on registration
- Representations and appeals against suspension and cancellation of registration

Related CQC regulatory work

- Mergers and acquisitions - specialist CQC due diligence regulatory advice
- Advice on CQC Themed Inspections and Reviews
- Advice on the investigation of serious incidents and CQC notification requirements

Proven track record

"Capsticks provided much needed specialist advice on the CQC's Inspection Regime and Special Measures. They clearly understood the political aspects as well as the regulatory minefield and the legal position. Their service was highly professional, responsive and thorough. They were keen to present options, advise on implications and work proactively in the Trust's interests. I would have no hesitation in unreservedly recommending Capsticks for future legal advice and support" Chief Executive, a large NHS Foundation Trust

Capsticks have *"done some excellent work with us over the past month in helping us to prepare for the inspection."* – a CEO of a large NHS Trust facing a new style inspection

For more information please contact:



IAN COOPER
Partner, Clinical Law
 0113 323 1060 / 07753187925
 Ian.Cooper@capsticks.com



SIWAN GRIFFITHS
Associate, Public Law
 0208 780 4887 / 07595885446
 Siwan.griffiths@capsticks.com

<p>Capsticks www.capsticks.com  @capstickslp</p>	<p>London 1 St George's Road, London SW19 4DR T +44 (0)20 8780 2211 F +44 (0)20 8780 1141 DX 300118 - Wimbledon Central</p>	<p>Birmingham 35 Newhall Street, Birmingham B3 3PU T +44 (0)121 230 1500 F +44 (0)121 230 1515 DX 13003 - Birmingham</p>	<p>Leeds Toronto Square, Toronto Street, Leeds LS1 2HJ T +44 (0)113 322 5560 F +44 (0)113 242 2722 DX 713112 - Leeds Park Square</p>	<p>Winchester Staple House, Staple Gardens, Winchester, SO23 8SR T +44 (0)1962 678 300 F +44 (0)1962 678 311 DX 2532 - Winchester</p>
--	---	--	--	---