

Introduction

The Care Quality Commission (CQC) has civil and criminal enforcement powers.

Civil powers focus on reducing the risk to people who use regulated services, while criminal powers hold registered persons to account for serious failures. In some cases, it will be appropriate to use both civil and criminal enforcement powers at the same time.

The decision tree describes the process that guides how CQC makes decision about selecting and using appropriate enforcement powers. Setting a structured decision-making process enables consistency and proportionality.

It has 4 stages:

1. Initial assessment.
2. Legal and evidential review.
3. Selection of the appropriate enforcement action.
4. Final review.

We refer throughout to a breach, or breaches, of legal requirements as this is the legal basis for most civil and all criminal enforcement action, except for powers such as the [Section 29A warning notice](#).

You should also refer to our enforcement policy when using this decision tree.

Enforcement decision tree

Stage 1: Initial assessment

- Consider and justify our response to the possible breach identified

Stage 2: Legal and evidential review

- Is there a there a breach of a legal requirement? (Legal check)
- Is the evidence sufficient, credible, and appropriately recorded, stored and retrievable? (Evidential check)

Stage 3: Selection of the appropriate enforcement action

- 3A: Seriousness of the breach
- 3B: Multiple or persistent breaches
- 3C: Criminal enforcement

Stage 4: Final review

Enforcement priorities

- Decision making meeting (DMM) when using single assessment framework or Management Review Meeting (MRM) when using KLOEs to decide enforcement action (consider enforcement principles)