

# CQC's proposals for special measures for adult social care

In July 2014, the Secretary of State announced the intention to introduce a special measures framework for adult social care to 'call time' on poor care.

In people's homes and care homes across the country, we know that dedicated staff are delivering fantastic care for people. Sadly, this is not always the case and we know that some services are consistently failing to meet the standards people have a right to expect. CQC will not tolerate poor care.

We have been developing our special measures approach in co-production with people who use services, their carers and families, providers, commissioners, our staff and other stakeholders. We have listened to a range of views at internal and external co-production workshops, including those of providers, other regulatory bodies, national organisations that offer support to the adult social care sector, and representative organisations for people who use services, families and carers.

Our special measures co-production work will continue over the coming months before we begin to introduce special measures for the adult social care sector from April 2015. We are outlining the framework we are considering now so people can tell us what they think of our proposals.

## What is the purpose of special measures?

The purpose of special measures is to:

- Ensure that providers found to be providing inadequate care do not continue to do so.
- Provide a framework within which we use our enforcement powers in response to inadequate care and work with, or signpost to, other organisations in the system to ensure improvements are made.
- Provide a clear timeframe within which providers must improve the quality of care they provide or we will seek to cancel their registration

## Proposed framework for special measures

Since October 2014, we have rolled out our new approach to inspecting and rating adult social care services. Our specialist teams inspect services against what matters most to the people who use them – are they safe, caring, effective, responsive to their needs, and well-led? Services are then rated against each of these five key questions as outstanding, good, requires improvement or inadequate.

Services rated as inadequate overall could be placed in special measures. The process will enable the provider to implement a credible improvement plan within a fixed time period and avoid enforcement action by CQC. Special measures will give people who use services the reassurance that the care they get should improve. CQC and others will continue to monitor the service and can take urgent action at any time if we think people are at risk.

CQC will signpost providers to potential improvement agency support, and monitor progress against their plans. The onus is on the provider to resolve the issues of concern. In the special measures regime, CQC will focus on identifying failures in the quality of care and judging whether improvements have been made.

Special measures are part of our enforcement approach. When a service is placed into special measures we may also take other enforcement action against the provider. This can include issuing warning notices for breaches of regulations, placing conditions on registration or suspending registration, if necessary. It can also include urgent action to cancel registration, should it be necessary.

Where, following the start of special measures, cancellation of registration is considered we would engage closely with the relevant local authority and clinical commissioning group so that plans can be made to ensure people who use the service continue to receive care. If the service remains inadequate within the given time-limited period and is acting in breach of the regulations we will proceed to cancel their registration.

Where a service receives an overall inadequate rating and immediate action is needed because people are at risk, we will take enforcement action. Where we find significant risk we would use our urgent enforcement powers to cancel registration, where appropriate.

Depending on the risk, services will be placed into special measures for a maximum of either 6 or 12 months.

## How will special measures work?

### Stage 1: Entry point of special measures

CQC carries out a comprehensive inspection<sup>1</sup>, the entry point into special measures:

- **Service has 2 inadequate ratings for any of the 5 key questions (overall inadequate rating)**  
This will result in immediate entry into the special measures process.
- **Service has 1 inadequate rating for one of the 5 key questions for over 6 months**

We will carry out a focused inspection<sup>2</sup> after 6 months. If the provider still has an inadequate rating for any key

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<sup>1</sup> Comprehensive inspections look at all five questions for a service and award a rating.

<sup>2</sup> Focused inspections do not look at all five questions and may address specific breaches of the regulations or respond to specific concerns.

question following this focused inspection, they will be placed into special measures.

### **General principles:**

CQC will signpost providers to potential improvement agency support (where they exist), and monitor progress against their plans. The onus is on the service to resolve the issues of concern.

When a service is placed into special measures we would liaise with the local authority and the clinical commissioning group so that they can begin planning for service continuity (if they are not doing so already).

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### **Stage 2: Review stage of special measures**

Once a service has entered into special measures, we will conduct a further comprehensive inspection within a six month time limit. At the review stage there are three possible options:

- (a) If sufficient improvements have been made and there are no inadequate ratings remaining the provider would come out of special measures.
- (b) Depending on the improvements made by services with an initial overall inadequate rating, they may be given an additional 6 months to improve.
- (c) If there is insufficient improvement we will proceed straight to stage 3: end point.

If there is insufficient improvement during either the initial or extended time period, we would issue a Notice of Proposal to cancel registration.

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### **Stage 3: End point of special measures – cancellation of registration**

Following on from stage 2 (b) there will be a comprehensive inspection to determine whether to proceed to cancel registration. This is the last chance for the service to demonstrate that they have improved sufficiently and there are no inadequate ratings in any of the key questions.

If there are no inadequate ratings for the key questions then the service will be removed from special measures.

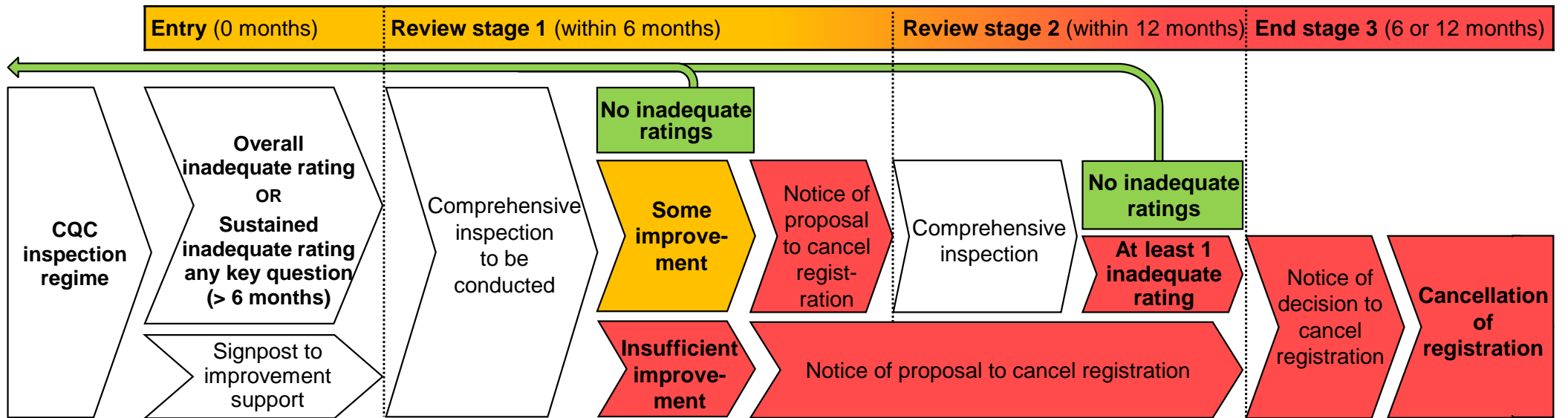
If inadequate ratings remain for any of the key questions then we would ordinarily issue a Notice of Decision to cancel the registration, and proceed down the full cancellation pathway.<sup>3</sup> This would be subject to the usual representations process.

Cancellation of registration means that the provider will no longer be able to provide regulated activities from that service.

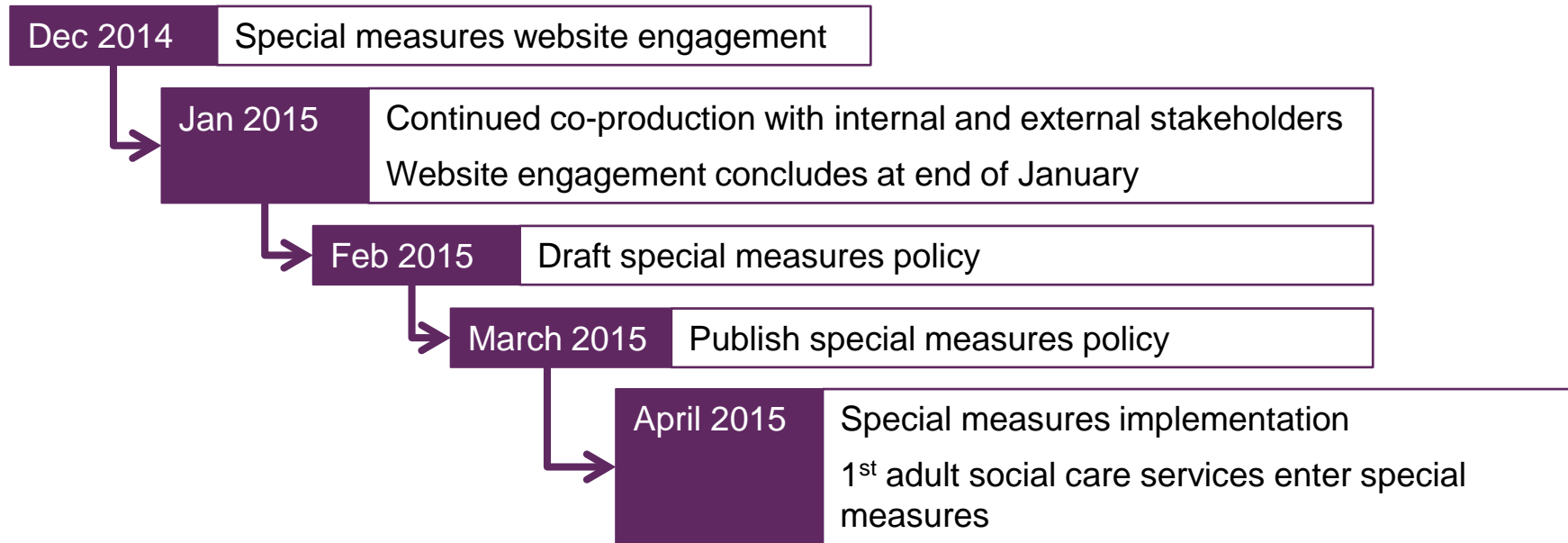
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<sup>3</sup> Any Notice of Decision to cancel the registration of a service can be challenged at tribunal on appeal.

# Proposed flow diagram for how special measures will work



## What happens next?



### Tell us what you think

Do you have a view on our adult social care special measures proposals? Share your views using our web form, open until Friday 30 January 2015 at:

[www.cqc.org.uk/content/cqcs-proposals-special-measures-adult-social-care](http://www.cqc.org.uk/content/cqcs-proposals-special-measures-adult-social-care)