Protocol between the Care Quality Commission and Department of Health Social Care, Local Government and Care Partnerships Directorate

Introduction
1. This protocol sets out the framework for the working relationship between the Care Quality Commission Deputy Directors for operations and Department of Health Deputy Directors in the Regions

2. In the context of the changing system landscape and structures for health and social care there is a need for a framework that supports the working relationship between the Care Quality Commission Deputy Directors for operations and the DH Social Care, Local Government and Care Partnerships Deputy Directors in the regions

3. Both CQC and DH have an interest in the shape and performance of care markets locally, nationally and regionally, in the quality and safety of care provision, and the effectiveness of integrated care between the NHS and adult care. The financial challenges pose particular challenges about the shape and robustness of local, regional and national care markets.

4. We have a joint interest in the ways in which the work of Healthwatch, Health and Well Being Boards and local authority adult care departments will support the improvement of care and manage poor performance when that is required.

5. CQC and the DH are committed to supporting sector led improvement through the Local Government Association initiatives and structures such as ‘The Excellence in Adult Social Care’ (TEASC) programme board.

6. There is a clear need for there to be information flows and exchanges covering our relative responsibilities and duties and always with the focus on ensuring that quality and safety of care are paramount for people who use services and their families.

7. This protocol sets out:
   - the general principles of working together;
   - the working arrangements.

The general principles of working together

8. We both acknowledge the responsibilities of each others functions and responsibilities and will take full account of these when working together.

9. CQC will be able to provide information about the quality and safety of regulated adult care across England and specifically at regional and local level for the Deputy Directors in the regions. Whilst we have no remit to assess the performance of the councils where we identify that there are issues of concern about commissioning adult care that we
10. The Deputy Directors for the regions will also share relevant information with CQC where they have concerns that local authority adult care commissioning and oversight is potentially compromising the quality, safety and well being of people who use regulated services whether they be publically funded or self funders of their care.

11. CQC and DH Deputy Director colleagues recognise the need to work together to ensure effective discharge of their functions and to make sure there is appropriate, proportionate and transparent engagement with all the relevant system structures and where we can collectively:
   - contribute to the improvement of social care outcomes, quality and safety in the regions;
   - help to identify poor performance and any actions that need to taken and by which agency;
   - identify emerging issues around financial pressures on the care markets at local and regional level and when necessary at national level;
   - facilitate partnership working between local authorities, health and well being boards and the NHS to deliver joined up personalised care.

12. CQC and DH colleagues will be open and transparent in their dealings with one another and with all the key strategic partnerships.

13. In carrying out their statutory functions CQC and DH colleagues will inform each other as soon as reasonably possible of any matters that may require action or a response from one or the other on significant matters including:
   - information about any significant enforcement action taken in relation to registered social care providers;
   - serious safeguarding concerns including serious case reviews;
   - communication difficulties between CQC and the local authority;
   - improvement initiatives led by the sector itself as part of their on going commitment to sector led improvement;
   - actions being taken and work being done with councils that require support because they have been identified as needing help;

14. CQC will keep the Deputy Directors for the regions fully informed about developments in their approach and methodologies in which they may have a mutual interest.
The working arrangements

Regular contact

15. There will be bilateral meetings at least quarterly between the CQC and DH deputy directors in each of the four regions. However, if and when circumstances about local performance concerning safety and quality of regulated services arise then it may be necessary for more frequent contact to be organised.

16. The routine quarterly meetings will be the forum for consideration of:
   - the local improvement agenda and necessary information sharing to support this agenda
   - updates and information sharing on strategy, policy, methodology and operational changes that are planned-
   - financial and market issues about providers

17. There will be an annual meeting of all the Deputy Directors from both CQC and DH to review the previous year's work and consider the next year's work programme.

18. A list of operational contacts is attached at Annex A.

Press and publications

19. We will seek to ensure that we give each other adequate warning of and sufficient information about any planned announcements to the public that the other may need to know of concerning the quality and safety of regulated services.

20. We will seek to involve each other in the development of planned announcements including sharing drafts of their proposals and publications as early as possible where they will have a direct impact for one another, and whoever the provider of the service is.

21. CQC and DH colleagues will respect the confidentiality of any documents shared in advance of publication and will not act in any way that would cause the content of those documents to be made public ahead of the planned publication date.

Operation and Review of the protocol

This protocol may be amended at any time by agreement between the CQC and DH. The protocol will be updated to take account of changes to responsibilities, structures and activities in the health and care sectors.

The first review of the protocol will take place in January 2014.
Signatures

Amanda Sherlock
Date: 5th Feb 2013

Glen Mason
Date: 5th Feb 2013
Annex A

The CQC deputy directors for the four regions are:

<table>
<thead>
<tr>
<th>Deputy Director</th>
<th>Region</th>
<th>Contact details</th>
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The DH Deputy Directors in the Regions are:

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