The Care Quality Commission is the independent regulator of health and adult social care in England.

Our purpose
We make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve.

Our role
We monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and we publish what we find, including performance ratings to help people choose care.

Our values
Excellence – being a high-performing organisation
Caring – treating everyone with dignity and respect
Integrity – doing the right thing
Teamwork – learning from each other to be the best we can
Updates since September 2014 version of this handbook

- Updated CQC operating model replaced (p. 8)
- Integration of guidance regarding independent mental health (IMH) providers:
  - Reference to IMH specialist services (p. 10)
  - Reference to our approach to Intelligent Monitoring for IMH providers (p. 23)
  - Reference to gathering information from the provider in IMH services (p. 28)
  - Reference to size of the inspection teams for IMH providers (p. 30)
  - Differences between NHS and IMH core services and ratings methodology (p. 39/40)
  - Revised information about special measures and other enforcement activity to incorporate IMH providers (p. 49).
- Updated information about planning and gathering evidence for the inspection (p. 32).
- New information about the requirement to display ratings (p. 45).
- Updated information about the regulations introduced in April 2015, with particular reference to the two new regulations on duty of candour and fit and proper person requirement for directors (p. 47/48).
- More detail on timescales for reviewing a rating (p. 50).
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Introduction

This handbook describes our approach to regulating, inspecting and rating providers of specialist mental health services. These services are for people with mental health needs, learning disabilities and autism and include care, treatment and support provided in hospital and in the community.

It builds on our publication, *A fresh start for the regulation and inspection of mental health services*, which set out our proposals to change how we regulate, inspect and monitor these providers. Our proposals included integrating some of our Mental Health Act (MHA) monitoring with our wider regulatory model for mental health when we carry out inspections of specialist mental health services under the Health and Social Care Act 2008.

Our approach includes using a national team of expert inspectors that would include clinical and other experts, including people with experience of receiving care (Experts by Experience). Where we can, we use Intelligent Monitoring to help us to decide when, where and what to inspect; methods for listening better to people’s experiences of care; and using the best information across the system. We have a greater focus on community-based services and on the experience of people on community treatment orders.

Our inspectors use professional judgement, supported by objective measures and evidence, to assess services against our five key questions:

- Are they safe?
- Are they effective?
- Are they caring?
- Are they responsive to people’s needs
- Are they well-led?

We rate services to help people compare services and highlight where care is outstanding, good, requires improvement or inadequate.

We also undertake other inspection and regulation activities that are not covered in this handbook, such as thematic inspections and joint inspections with Ofsted and HM Inspectorate of Prisons. We will coordinate our inspection and regulation activities to reduce the burden on providers.

Our consultation showed support for our proposals and we listened to what people said. We also drew on our experience of testing our methods with NHS trusts, some of which were combined providers delivering community mental health services. Based on this feedback and testing we have refined our approach.

We will continue to learn from and adapt how our approach is put into practice. However, the overall framework, including our five key questions,
core services, key lines of enquiry and ratings characteristics, will remain constant.

We have refreshed this document to take into account the new fundamental standards regulations come into force from April 2015.

The fundamental aspects of our approach apply to both NHS trusts and the independent sector. We are currently testing our methodology in the independent mental health sector, with a view to providing more information for this sector later in 2015.

We are continuing to develop a new approach to regulating specialist substance misuse services. We have recently consulted on a draft provider handbook for these services and will publish a finalised version later in 2015.
1. Our framework

Although we inspect and regulate different services in different ways, there are some key principles that guide our operating model across all our work.

Our operating model

The following diagram shows an overview of our overall operating model. It covers all the steps in the process, including:

• Registering those that apply to CQC to provide services – see section 2 on our registration process.
• Intelligent use of data, evidence and information to monitor services.
• Using feedback from people who use services and the public to inform our judgements about services.
• Inspections carried out by experts.
• Information for the public on our judgements about care quality, including a rating to help people choose services.
• The action we take to require improvements and, where necessary, the action we take to make sure those responsible for poor care are held accountable for it – our enforcement policy sets out how we will do this.

Our model is underpinned by the fundamental standards. We have issued guidance to help providers understand how they can meet these regulations (see section 11).
The five key questions we ask

To get to the heart of patients’ experiences of care, the focus of our inspections is on the quality and safety of services, based on the things that matter to people. We always ask the following five questions of services:

- Are they safe?
- Are they effective?
- Are they caring?
- Are they responsive to people’s needs?
- Are they well-led?

For all health and social care services, we have defined these five questions as follows:

<table>
<thead>
<tr>
<th>Safe</th>
<th>By safe, we mean that people are protected from abuse and avoidable harm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective</td>
<td>By effective, we mean that people’s care, treatment and support achieves good outcomes, promotes a good quality of life and is based on the best available evidence.</td>
</tr>
<tr>
<td>Caring</td>
<td>By caring, we mean that staff involve and treat people with compassion, kindness, dignity and respect.</td>
</tr>
<tr>
<td>Responsive</td>
<td>By responsive, we mean that services are organised so that they meet people’s needs.</td>
</tr>
<tr>
<td>Well-led</td>
<td>By well-led, we mean that the leadership, management and governance of the organisation assures the delivery of high-quality person-centred care, supports learning and innovation, and promotes an open and fair culture.</td>
</tr>
</tbody>
</table>

Core services

The size and complexity of some providers means that, for some, we will not be able to inspect every service. However, we have identified a set of core services that, if they are provided, we will always include in an inspection. These are the lens through which we will consistently look at providers of the same type.

There are 11 core services for specialist mental health services.

**Mental health wards:**

- Acute wards for adults of working age and psychiatric intensive care units.
- Long stay/rehabilitation mental health wards for working age adults.
- Forensic inpatient/secure wards.
- Child and adolescent mental health wards.
- Wards for older people with mental health problems.
- Wards for people with learning disabilities or autism.
Community-based mental health and crisis response services:

- Community-based mental health services for adults of working age.
- Mental health crisis services and health-based places of safety.
- Specialist community mental health services for children and young people.
- Community-based mental health services for older people.
- Community mental health services for people with a learning disability or autism.

We selected these core services as they are seen as carrying the greatest risk and cover the majority of services that people use. They also reflect the vulnerability of people’s circumstances who may use these services. We set out our definitions of these core services in the separate appendix A.

Our inspections will not be limited to these core services. However, we keep all the services provided under continuous surveillance. We may also focus on particular services, specialist areas or pathways of care that are not covered by the core services but; represent a large proportion of a providers’ activity or expenditure, where we believe the quality of care could be outstanding, where we have concerns, where the level of risk would mean it is not appropriate to either not inspect it or to inspect it only as part of a larger core service. In those circumstances we may inspect that service and rate and report on it in the same way as a core service.

This is especially relevant to the independent sector, which may provide a range of specialist services, outside of the 11 core services defined above. These might include, but are not limited to, specialist services for mothers and babies, substance misuse treatment services, inpatient and community services for people with an eating disorder, or for people with a personality disorder.

We will not always be able to visit every ward or part of a core service. Where we sample services for inspection, we will select some on a random basis and for others we will consider various factors about risk, quality and the context of the services to help us select and prioritise the areas we visit.

The services we inspect may include, for example:

- Those where a previous inspection, our intelligence or information gathered by Monitor, the NHS Trust Development Authority, NHS England or a local clinical commissioning group has flagged a concern or risk.
- Those about which we have received a complaint, there has been a safeguarding alert or we have received concerns from a member of staff.
- Those that we have not inspected for a long period of time or have not previously inspected at all.
- Services that provide a quality of care that may be outstanding.
- Services that are geographically isolated.
Those where we have intelligence or information that there are concerns or risks regarding the application of the Mental Health Act (MHA). This will include information from our own MHA activities.

**Care pathways**

We are committed to including a focus on care pathways and on transitions between services as part of our inspection of specialist mental health services. This could include for example:

- Acute care pathway – for people who experience a mental health crisis and are admitted to hospital, covering their journey into and out of hospital.
- Child and adolescent mental health service (CAMHS) urgent care pathway – for children and young people who experience a crisis and need intensive support to prevent an admission to hospital or timely access to an inpatient mental health bed, including out of hours.
- Care pathway for people with dementia – including memory clinics, continuing care services, liaison psychiatry services and community-based teams.
- Transitions between CAMHS and adult services, and between adult and older adult services.

We assess care pathways in relation to the cores services inspected through the questions that we ask and the methods that we use, including tracking people through their care. This means that we form a judgement about the points in a care pathway and use this to inform our ratings of our identified core services.

**Key lines of enquiry**

To direct the focus of their inspection, our inspection teams use a standard set of key lines of enquiry (KLOEs) that directly relate to the five key questions – are services safe, effective, caring, responsive and well-led?

The KLOEs are set out in [appendix B](#). Having a standard set of KLOEs ensures consistency of what we look at under each of the five questions and that we focus on those areas that matter most. This is vital for reaching a credible, comparable rating. To enable inspection teams to reach a rating, they gather and record evidence to answer each KLOE.

Each KLOE is accompanied by a number of questions that we call prompts, which inspection teams will consider as part of the assessment. The prompts are included in [appendix B](#).

In addition to the KLOEs and prompts, our teams will also use guidance that provides detailed areas of focus for each of the core services. This guidance
has been developed with internal and external specialists and reflects aspects that are of particular interest to the public and professionals.

This guidance highlights key data or audit items, specific prompts for the service, and provides guidelines on who should be interviewed and what areas should be inspected. New national priorities or policy directions will be reflected in this guidance as they emerge.

This core service guidance will be published on our website as it becomes available. Our teams also have access to guidance on assessing the care provided to people with a learning disability, or those detained under the Mental Health Act 1983 (MHA).

Inspection teams use evidence from four main sources in order to answer the KLOEs. These are:

1. Information from the ongoing relationship management with the mental health provider and other stakeholders, including information that the trust provides on how it thinks it is performing, the processes it has in place, and the action it is taking to improve under-performance (as described in section 3).

2. Other nationally available and local information that can inform the inspection judgement. This will typically be included in the data packs described in section 6.

3. Information from activity carried out during the pre-inspection phase (for example, case note tracking of complex patients, the provider’s approach to concerns and complaints raised by people who use services and staff) as set out in section 6.

4. Information from the inspection visit itself.
Ratings

Ratings are an important element of our approach to inspection and regulation.

As set out in figure 3 below, our ratings are always based on a combination of what we find at inspection, what people tell us, our Intelligent Monitoring data where available, information we hold about the service or location, and information from the provider and other organisations.

We award them on a four-point scale: outstanding, good, requires improvement, or inadequate. Providers must display their ratings (see section 10).
We have developed characteristics to describe what outstanding, good, requires improvement and inadequate care look like in relation to each of the five key questions. These are set out in appendix C.

These characteristics provide a framework that, applied using professional judgement, guides our inspection teams when they award a rating. They are not used as a checklist or an exhaustive list. The inspection team use their professional judgment, taking into account best practice and recognised guidelines, with the quality control process ensuring consistency.

Not every characteristic has to be present for the corresponding rating to be given. This is particularly true at the extremes. For example, if the impact on the quality of care or on people’s experience is significant, then displaying just one of the characteristics of inadequate could lead to a rating of inadequate. Even those rated as outstanding are likely to have areas where they could improve.

A service or provider does not need to display every one of the characteristics of good in order to be rated as good.

Ratings are discussed in more detail in section 9.
Equality and human rights

One of CQC’s principles is to promote equality, diversity and human rights. This is a means to an end and not an end in itself. The end is good quality care for all. Respecting diversity, promoting equality and ensuring human rights will help to make sure that everyone using health and social care services receives good quality care.

To put this into practice, we have developed a human rights approach to regulation. This looks at a set of human rights principles – fairness, respect, equality, dignity, autonomy, right to life and rights for staff – in relation to the five key questions we ask. All of these principles are enshrined in the NHS Constitution.

Using a human rights approach that is based on rights that people hold, rather than what services should deliver, also helps us to look at care from the perspectives of patients. We know from talking to people using mental health services that fairness, respect, equality, dignity and autonomy are very important – not only in terms of how people experience mental health services, but in terms of their recovery from periods of mental ill health.

There are a number of sources of information about equality and human rights available for specialist mental health services – such as patient data, surveys and, importantly for NHS services, the NHS Equality Delivery System (EDS2). We intend to draw on existing data sources where we can. However, for many human rights topics, the only way we can assess how well mental health services are performing is by gathering and understanding the experiences and views of patients.

For people detained under the Mental Health Act 1983 (MHA), their liberty is restricted by law, so it is especially important that there is independent oversight of their human rights – a role we fulfil through our MHA responsibilities and our role as NPM (National Preventative Mechanism) for the OPCAT (Optional Protocol to the Convention against Torture). We are committed to reviewing how we can strengthen the way in which we fulfil these responsibilities in the future.

Our NPM role is also relevant to our review of Deprivation of Liberty Safeguards. To meet our NPM responsibilities, we will look at specific findings from our inspection, including where we believe changes could have a direct impact on human rights for people in detention. Recommendations of changes will be used to inform our analysis of human rights issues and our recommendations for changes to national and local policy.

This focus on human rights is integrated into our inspection and regulation to make sure that equality and human rights are promoted in our work.
Monitoring the use of the Mental Capacity Act 2005 including the Deprivation of Liberty Safeguards

The Mental Capacity Act 2005 (MCA) is a crucial safeguard for the human rights of adults who might (or may be assumed to) lack mental capacity to make decisions, including whether or not to consent to proposed care or treatment interventions. The MCA provides the essential framework for balancing autonomy and protection when staff are assessing whether people aged 16 and over have the mental capacity to make specific decisions at the time they need to be made.

The MCA clearly applies where a service works with people who may have cognitive difficulties due to dementia, an acquired brain injury or a learning disability. However, providers must also recognise that a person may lack mental capacity for a specific decision at the time it needs to be made for a wide range of reasons, which may be temporary, and they should know how then to proceed.

Any decision taken on behalf of a person lacking capacity must be made in their best interests and be the least restrictive option that can be identified to meet a specific need.

We have a duty to monitor the Deprivation of Liberty Safeguards in all hospitals and care homes in England, and check on their use when we inspect places where they are used. Hospitals and care homes must tell us about the outcome of any application to deprive someone of their liberty using the safeguards or by an order of the Court of Protection.

Where it is likely that a person lacking mental capacity to consent to the arrangements is deprived of their liberty, to be given essential care or treatment, we will look for evidence that efforts have been made to reduce any restrictions on freedom, so that the person is not deprived of their liberty. Where this is not possible we will check that the deprivation of liberty has been authorised as appropriate, by use of the Deprivation of Liberty Safeguards, the Mental Health Act 1983, or by an order of the Court of Protection.

The importance of working within the MCA is reflected in our inspections. A specific KLOE about consent takes account of the requirements of the MCA and other relevant legislation.

During our inspections, we will assess how well providers are using the MCA to promote and protect the rights of people using their services.

In particular, we will look at how and when mental capacity is assessed, how mental capacity is maximised and, where people lack mental capacity for a specific decision, how that decision is made and recorded in compliance with the MCA.

We will look for evidence that restraint, if used to deliver necessary care or treatment, is in the best interests of someone lacking mental capacity, is proportionate, and complies with the MCA.
Concerns, complaints and whistleblowing

Concerns raised by people using services, those close to them, and staff working in services, provide vital information that helps us to understand the quality of care. We will gather this information in three main ways:

- Encouraging users and staff to contact us directly through our website and phone line, and providing opportunities to share concerns with inspectors when they visit a service.
- Asking national and local partners (for example, the Ombudsmen, the local authority, Healthwatch and Health Education England) to share with us concerns, complaints and whistleblowing information that they hold.
- Requesting information about concerns, complaints and whistleblowing from providers themselves.

We will also look at how providers handle concerns, complaints and whistleblowing in every inspection. A service that is safe, responsive and well-led will treat every concern as an opportunity to improve, will encourage its staff to raise concerns without fear of reprisal, and will respond to complaints openly and honestly. The Parliamentary and Health Service Ombudsmen, the Local Government Ombudsmen and Healthwatch England will set out standard expectations for complaints handling, which are consistent with our assessment framework, and describe the good practice we will look for.

We will draw on different sources of evidence to understand how well providers encourage, listen to, respond to and learn from concerns, based on work we have undertaken with The Patients Association. Evidence sources may include complaints and whistleblowing policies, indicators such as a complaints backlog and staff survey results, speaking with users, carers, families and staff and reviewing case notes from investigations. For independent acute hospitals, sources of evidence include private patient forums, The Independent Sector Complaints Adjudication Service (ISCAS) and NHS choices for those services that treat NHS patients.
2. Registration

Before providers can begin to provide a regulated activity, they must apply to CQC for registration and satisfy us that they are meeting a number of registration requirements. We have issued guidance to help providers understand how they can meet these regulations (see section 11).

Registration assesses whether all new providers, whether they are organisations, individuals or partnerships, have the capability, capacity, resources and leadership skills to meet relevant legal requirements, and are therefore likely to demonstrate that they will provide people with safe, effective, caring, responsive and well-led care.

The assessment framework makes sure that registration inspectors gather and consider comprehensive information about proposed applicants and the services they intend to provide, including where providers are varying their existing registration, to make judgments about whether applicants are likely to meet the legal requirements of the regulations.

We make judgements about, for example, the fitness and suitability of applicants, the skills, qualifications, experience and numbers of key individuals and other staff; the size, layout and design of premises; the quality and likely effectiveness of key policies, systems and procedures; governance and decision-making arrangements; and the extent to which providers and managers understand them and use them in practice.

These judgements will not stifle innovation or discourage good providers of care services, but will make sure that those most likely to provide poor quality services are discouraged and prevented from doing so.
3. How we work with others

Good, ongoing relationships with stakeholders are vital to our inspection approach. These relationships allow CQC better access to qualitative, as well as quantitative, information about services, particularly local evidence about people’s experience of care. Local relationships also provide opportunities to identify good practice and to work with others to push up standards.

Working with providers

A CQC Head of Inspection, local inspection manager, or inspector (for some smaller providers), is responsible for developing and maintaining relationships at a local level. They are responsible for day-to-day communication, as well as exchanging information and managing our relationship with providers. For a small number of large providers our corporate provider team will maintain an oversight of the corporate body.

Our approach includes continuous monitoring of local data and intelligence and risk assessment. Where risks are identified, our inspection staff will check what the provider is doing to address the risk.

We also make use of the information that providers routinely gather, as well as information from people who use services, the public, carers and other representatives. This includes:

- Local patient surveys or other patient experience information and feedback.
- Information about the number and types of complaints people make about their care and how these are handled.

Working with people who use services

People’s experiences of care are vital to our work; they help to inform when, where and what we inspect. We want people to tell us about their care at any time through our website, helpline and social media, and we are committed to carrying out public engagement aimed at encouraging members of the public, people who use services, their carers, those close to them and advocates to share their views and experiences with us.

We will gather and analyse information from people who use services, for example through:
Nationally collated feedback from people who use services and carers:
  - Patient survey data.
  - Information from NHS Choices and quality accounts.
  - The NHS Friends and Family Test.
  - PLACE reports (patient-led assessment of the care environment).

Feedback from groups representing communities, people who use services and public representatives:
  - Organisations that represent or act on behalf of people who use services, including equality groups.
  - Community groups and groups that represent carers.

Comments and feedback sent to CQC from individual people who use services and those close to them:
  - Feedback on services submitted via the CQC online share your experience form or through telephone calls to our national call centre.
  - Engagement activity specifically designed to encourage people to share their experiences of care.

**Working with local organisations and community groups**

It is also important to maintain good relationships with local organisations and community groups who represent people who use services and routinely gather their views. We ask them to share with us the information that they hold. These include:
  - Local health overview and scrutiny committees
  - Quality surveillance groups
  - Health and wellbeing boards
  - Local Healthwatch
  - Local authorities
  - Clinical commissioning groups
  - Police and approved mental health practitioners (AMHPs)
Working with partner organisations

Many national partner organisations we work with have information about providers and about people’s experiences and we want to make the best use of their evidence. It is also important that our inspectors and inspection managers have ongoing relationships with other stakeholders. This includes, for example:

- Monitor
- The NHS Trust Development Authority
- NHS England
- The Parliamentary and Health Service Ombudsman
- Professional regulators such as the Nursing and Midwifery Council, the Health and Care Professions Council and the General Medical Council
- The Royal Colleges.
We will work with these bodies and gather different types of information on a regular basis and in the lead-up to an inspection.

For NHS acute hospitals, we have worked closely with Monitor and the NHS Trust Development Authority to develop a single overarching framework for judging whether or not an NHS service is well-led. At CQC, our KLOEs for this key question reflect this single framework and our prompts focus on the aspects of the framework that we assess. This ensures that our respective approaches for assessing leadership, culture and governance are aligned.

We do not undertake a detailed review of financial stewardship or financial viability. For the NHS, this element of well-led is undertaken by Monitor and the NHS Trust Development Authority, as applicable. Our assessment focuses on how the management of finances impacts on the quality of service. For example, at core service level we will consider the potential impact of cost improvement plans on safety and quality, and how well this is understood. Our assessment at trust level includes interviews with the director of finance, medical director and others. We will also review key documents such as board meeting minutes and the annual audit letter.

Throughout our inspections, we work with Monitor and the NHS Trust Development Authority, as appropriate, to share information, and coordinate evidence gathering and site visits. This enables us to use the findings of their work as evidence to inform our judgement and reduce the burden on providers.

We are continuing to develop our approach to how we take account of financial stewardship or financial viability within the independent acute hospitals sector, while understanding restrictions placed on the sector due to commercial law.
4. Intelligent Monitoring

For the NHS, Intelligent Monitoring combines information from a wide range of data sources, including those shown in figure 2, to give our inspectors a clear picture of the areas of care that may need to be followed up within a provider. Together with local insight and other factors, this information helps us to decide when, where and what to inspect. This means that we can anticipate, identify and respond more quickly to services at risk of failing.

The Intelligent Monitoring tool is built on a set of indicators that relate to the five key questions we ask of all services – are they safe, effective, caring, responsive and well-led? The tool analyses a range of information, including patient experience, staff feedback and patient outcomes, and we plan to create priority bands for inspection. We will use these bandings to help inform where we prioritise our inspection activity.

The indicators raise questions about the quality and safety of care, but they are not used on their own to make final judgements. These judgements will always be based on a combination of Intelligent Monitoring data, what we find at inspection, and local information from the provider and other organisations.

You can access the latest version of the indicators and individual reports for acute and specialist NHS trusts at www.cqc.org.uk/public/hospital-intelligent-monitoring. We will continue to improve and refine the indicators that we use in Intelligent Monitoring as we learn which are the most useful to inform our work.

Where our Intelligent Monitoring identifies risks we will follow these up as part of our inspection process.

Our approach to Intelligent Monitoring will vary according to the quality and availability of information.

We are developing our approach to Intelligent Monitoring for independent health care providers. While wanting to retain parity with the NHS, acknowledging and understanding the differences for independent mental health care providers is necessary for us to identify the right metrics for Intelligent Monitoring.

Data sources to use for indicators also present a challenge for this sector as there are differences in coverage for independent providers. Understanding these differences and the difference in availability of data compared to the NHS will largely influence what indicators can be used for Intelligent Monitoring for independent mental health care providers.

We will continue to use intelligence and information we receive from our registration activities, handling of concerns, complaints and whistleblowing, and our work with others, to help us decide when, where and what to inspect.
5. Inspection

Our inspections are at the heart of our regulatory model and focus on the things that matter to people. Within our approach we have two types of inspection: comprehensive and focused (see below).

<table>
<thead>
<tr>
<th>Type of inspection</th>
<th>Description</th>
</tr>
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</table>
| **Comprehensive**  | • Review the provider in relation to the five key questions leading to a rating on each on a four-point scale.  
• Assess all of the core services, where they exist.  
• An inspection team which reflects the size and complexity of the services being inspected.  
• Typically, one to four days announced site visit plus unannounced visits.  
• At least once every three years. |
| (section 6)         |             |

| **Focused**         | • Follow up a previous inspection or respond to a particular issue or concern.  
• Team size and composition dependent on the focus of the inspection.  
• Length of site visit and whether it is announced or unannounced is flexible.  
• As frequent as required. |
| (section 8)         |             |

Section 6 looks at our approach to comprehensive inspections but the principles apply to other inspections, for example, follow-up or themed inspections. We will adapt the detail and scope of the inspection as appropriate.

For NHS services, we will carry out a comprehensive inspection of the core services and any other services we decide to inspect at least once every three years.

**Independent providers**

We will adapt our approach to inspecting and rating mental health services so that it can be used for providers in the independent sector and the NHS. We aim to generate a comparable assessment of the five key questions for each location or core service whether it is an NHS or an independent provider.

However, we know we will need to adapt some elements of our approach in order for it to be effective, proportionate and efficient – for example, the size
of the inspection team, the amount of Intelligent Monitoring data we can rely on and the information requested from the provider before our site visit.

Our current inspection approach does not include rating the corporate level of independent mental health providers. We will continue to keep this under review as we recognise the importance of the corporate level and the impact this can have on the quality of care. We are also developing how we take account of and involve the corporate level of independent mental health providers in our assessments.

Inspecting non-mental health services provided by the organisation/combined providers

CQC has developed a tailored approach to inspecting different types of health and social care services. One of these is the approach to specialist mental health services set out in this handbook. Others include acute hospital services, community health services, GP practices and residential social care services.

We recognise that many providers have a wide range of services that will be covered by more than one of our inspection approaches. NHS trusts are the most common example of this type of provider; others include large social enterprises that provide a range of services to a local population or an independent health provider that has a range of services at one of its locations.

Where such arrangements exist and the range of services are either provided from one location or to a local population, we want to assess how well quality is managed across the range of services and give ratings for the provider or the location that reflect this. Therefore, when we inspect we use our different approaches in combination to reflect the range of services that are provided (we call this a ‘combined’ inspection).

Our overall aims in these circumstances are to:

- Deliver a comparable assessment of the five questions for each type of service, whether it is inspected on its own or as part of a combined provider.
- At provider or location level, assess how well quality and risks are managed across the range of services provided.
- Generate ratings and publish reports in a way that is meaningful to the public and people who use services, the provider and to our partners.
- Be proportionate and flexible to reflect the way the services are provided and consider any benefits derived from service integration.
- Use appropriate methods and an inspection team with the relevant expertise to assess the services provided.
- Wherever possible, align steps throughout the inspection process in order to minimise the burden on providers.
Some community health providers, including trusts, also provide healthcare services in prisons. We inspect the quality of these services jointly with HM Inspectorate of Prisons, therefore they are not included in our comprehensive inspections of community health providers. Our inspection teams will work together to ensure that information about inspections and the quality of prison health services is shared appropriately.

As for any provider, if necessary between comprehensive inspections we will undertake focused inspections that only look at some of the services or aspects of a service. The relationship holder for a provider will have oversight of this and consider any implications for our understanding of the provider’s performance more broadly.

**Services provided by third party providers**

A provider will often have an arrangement in place where a third party organisation provides part or all of a core service, often on the provider’s premises. Where this is the case, it is essential that the services work effectively with those provided by the third party.

The inspection team will not inspect or rate the third party service as part of the provider’s inspection. However, they will consider the care pathways between the service and the provider’s own services as part of their inspection. Our reports will explain where a third party provider is delivering part or all of a core service and who that third party provider is.

When planning the inspection we will consider whether it is helpful, for the public and people using services, if an inspection of the third party services is carried out at (or close to) the same time.

**Monitoring the Mental Health Act (MHA)**

We are integrating and aligning our MHA monitoring responsibilities with our inspections of specialist mental health services.

During our comprehensive inspections, our MHA reviewers will undertake MHA monitoring activities in selected locations and review the way the provider discharges their duties under the MHA overall. The MHA monitoring activity we carry out on comprehensive inspections will always inform our judgements of a provider.

We also carry out additional MHA monitoring visits, which take place outside of comprehensive inspections. This fulfils our MHA statutory responsibilities to keep the MHA under review and meet with people who are subject to the MHA. This also provides intelligence to inform our ongoing monitoring of the use of the MHA. Where we identify concerns, this may trigger further inspection or monitoring activity.
As well as MHA monitoring, CQC has other duties under the MHA. For example, CQC is responsible for the administration of the Second Opinion Appointed Doctor (SOAD) service; has a power to review high security hospital managers’ decisions over withholding patients’ mail; and has a complaints investigation power. Intelligence from our operation of these areas of the MHA will inform our monitoring and inspection activities.

We intend to continue to evaluate and refine our approach to integration and alignment of the MHA and inspections with additional changes to be announced in 2015.
6. Planning the inspection

To make the most of the time that we are on site for an inspection, we must make sure we have the right information to help us focus on what matters most to people. This will influence what we look at, who we will talk to and how we will configure our team. The information we gather during this time is also used as evidence when we make our ratings judgements.

As described in section 3 and section 4, we analyse data from a range of sources, including information from people who use services, information from other stakeholders and information sent to us by providers. We analyse and use the reports provided by MHA reviewers as part of our MHA monitoring responsibilities.

We collate our analysis into a data pack to be used by the inspection team. Our inspectors use this information along with their knowledge of the service and their professional judgement to plan the inspection.

The provider will have an opportunity to review the data pack for accuracy and raise queries on the data.

Gathering information from people who use services and stakeholders

Before our inspection site visit, we will also gather specific information. This includes:

- Engagement activity specifically designed to encourage people to share their experiences of care.
- Contacting stakeholders to ask for information, as set out in section 3.
- Engaging with and asking for information from commissioners, and where appropriate, Monitor or the NHS Trust Development Authority.

Gathering information from the provider

To prepare for an inspection we analyse information from a range of sources, including the provider themselves. The specific information we request from a provider varies depending on the type of services offered, but will include information about:

- Management and governance structures
- Numbers and locations of services and teams
- Safety and quality governance arrangements
- Key performance indicators, issues, risks and concerns
• How the board, or equivalent for independent mental health providers, monitors and takes action on issues relating to safety, clinical effectiveness and patient experience.

We will ask the provider to tell us about its performance against each of the five key questions, summarising this at overall NHS trust-level, or for an independent provider this may be at location level, as well as providing detail for each of its core services. In doing so, providers are expected to highlight areas of good and outstanding practice, as well as telling us about where the quality of services is less good, and in these cases, what action they are taking. This will allow us to assess how providers view themselves in terms of quality against the five key questions and to understand how their quality improvement plans reflect this, ahead of an inspection. The chief executive (or equivalent, such as the nominated individual) should provide assurance to CQC that the information given is accurate and comprehensive in setting out the provider’s view of its own performance.

Following the initial request, we may ask providers to submit additional information, particularly if the initial submission highlights areas that need to be clarified before the inspection site visit.

We expect providers to be open and honest with us, sharing all appropriate information. A lack of openness and transparency will be taken into account when we assess the well-led question.

We will advise providers about the timescales for submitting information, and will give them a point of contact so they can liaise with us if they have any questions. We ask providers to only send the information we have requested and to discuss with their point of contact any difficulties in sending the information, or where they believe they have extra information that they think may be useful to the inspection team.

We are currently testing our methodology in the independent mental health sector, with a view to providing more information for this sector later in 2015.

Other information gathering activity

Throughout the year, and particularly in the weeks leading up to an inspection, we will gather information to give us insight into the provider’s quality performance. This may involve looking at:

• **Case tracking patients with complex needs or those who are in vulnerable circumstances**: Reviewing case notes of selected patients helps us to build a picture of how well providers care for patients with more complex needs, with particular vulnerabilities or from different groups in society.

• **Quality governance**: Information on quality governance will enable us to see what systems and processes a provider has in place and understand how effective they are at ensuring organisation-wide learning, so that improvements are embedded where necessary. We will also look at how
well information is used to assess and monitor the quality of care being delivered and to identify, assess and manage risks by board and sub-committees.

- **Safety alerts and serious incidents requiring investigation:** This enables us to explore how well a provider reports, investigates and learns from serious incidents requiring investigation (including never events) and implements the improvements needed to prevent such incidents happening again. It also tests how a provider disseminates and acts on the requirements and supporting information published in selected safety alerts.

- **Information flows:** These determine what key information flows there are in an organisation and how effective they are, to help us understand whether clinicians have access to the right data at the right time to make informed clinical decisions, and also to understand whether managers have access to the right data to make sure that quality care is provided.

- **Use of restrictive interventions:** These include the records of long-term segregation, seclusion and restraint.

### The inspection team

The size and make up of our team will vary depending on the size and services of independent and NHS providers. A typical inspection team will include:

- For large inspections, an inspection chair (a senior clinician, or manager with knowledge of quality and safety in hospitals)

- Inspection Lead – depending on the size and complexity of the inspection task this will be either a CQC Head of Hospital Inspection, an inspection team leader or an experienced inspector.

- MHA reviewers.

- Specialist advisors (including clinical experts and service managers with mental health or learning disability experience – this may include psychiatrists, psychologists, social workers and nurses).

- Experts by Experience (people with experience of mental health services, people with learning disabilities or autism, and people with relevant caring experience).

- CQC managers and inspectors (varying levels of seniority).

- CQC data analysts, if appropriate.

- CQC inspection planner, if appropriate.

- CQC administrative support.

Our inspections may involve specialist advisors who are employed by both NHS and independent sector providers. The experts we use reflect the services provided by the organisation and the areas of focus for the
inspection, for example, this may include doctors, nurses, therapists, social workers and governance experts.

A typical inspection team for independent mental health providers will reflect the size of the provider location and the services offered.

**Planning the focus of the inspection**

The planning of the inspection involved:

- Considering how to best engage with the public, people who use the service and specific communities to get a range of views and experiences about the services.
- Deciding on the areas of focus, which are informed by the data pack and information we have gathered before the site visit.
- Meeting with a senior representative of the provider to identify any specific aspects of the quality of care that should be reviewed as part of the inspection.
- Identifying members of the inspection team based on the specific skills, knowledge and experience needed.
- Ensuring that we follow up any outstanding improvement action such as requirement notices and warning notices and any improvement plans for organisations in special measures.
- Making the outline plan for the site visit.
- Setting a provisional date for the quality summit (see section 10).

**Making arrangements for the inspection**

The inspection team leader and the inspection planner will be the main points of contact for the provider. The inspection planner will liaise with the provider on all logistical requirements, for example room bookings, arranging interviews, parking and security passes.

We will contact the provider where we need local information in helping us to arrange engagement activities, for example where best to hold them, and for information on local groups and service user panels and representatives who may be able to support us with this activity.
7. Site visits

Site visits are a key part of our regulatory framework, giving us an opportunity to talk to people using services, staff and other professionals to find out their experiences. They allow us to observe care being delivered and to review people’s records to see how their needs are managed, both within and between services.

Site visit timetable

The site visit will generally include the following stages:

- Briefing and planning session for inspection team.
- Announced site visits (three to four days).
- Unannounced visits.
- Closing the inspection visit.
- Additional unannounced site visits.

Briefing and planning session

Before the site visit there is a briefing and planning session for the inspection team lead.

Provider presentation

At the start of the site visit the provider is asked to make a 30-minute presentation to the inspection team. The format of the presentation will vary depending on the service being inspected, for example a formal presentation may be the most effective format for a large NHS trust with a large inspection team. The presentation should always set out:

- Background to the organisation
- Its approach to ensuring good quality care
- What is working well or is outstanding
- The areas of concern or risk.

Gathering evidence

The inspection team use the key lines of enquiry (KLOEs) and any concerns identified through the preparation work to structure their site visit and focus on specific areas of concern or potential areas of outstanding practice. They collect evidence against the KLOEs using the methods described below.
Gathering the views of people who use services

A key principle of the approach to inspecting mental health services is to seek out and listen to the experiences of the public, patients and those close to them. This includes the views of people who are in vulnerable circumstances or who are less likely to be listened to by statutory bodies.

We gather the views of people who use services and those close to them by:

- Speaking individually and in groups with people who use services.
- Holding focus groups with people who use services and those close to them.
- Holding drop-in sessions for people who use services.
- Holding public events where appropriate.
- MHA Reviewers spending dedicated time interviewing individual people detained under the MHA and talking to their families where this is appropriate.
- Using comment cards placed in reception areas and other busy areas to gather feedback from people who use services and those close to them.
- Using posters to advertise the inspection and give an opportunity to speak to the inspection team. These will be put in areas where people using services and others will see them.
- Conducting home visits to people who receive treatment or support in their own home.
- Using the information gathered from our work looking at complaints and concerns of people using services.
- Promoting the ‘share your experience’ form on the CQC website through a variety of channels.

We include ‘Experts by Experience’ on our inspections. Experts by Experience are people who use care services or care for someone who uses health and social care services. Their main role is to talk to people who use services and tell us what they say. Many people find it easier to talk to an Expert by Experience than an inspector. Experts by Experience can also talk to carers and staff, and can observe the care being provided. Experts by Experience may attend the hospital site visit and/or may undertake work to support the inspection remotely, for example conducting telephone interviews with people who have used the service.

We will use some of the same approaches in our inspections of children and adolescent mental health services. We will work with local children and young people’s organisations, including youth groups, to make contact with young people in a non-clinical setting to discuss their mental health care.
Gathering the views of staff

The inspection team will interview individual directors and staff at all levels. As a minimum we will usually interview the following people or their equivalents at independent providers:

- NHS Trust Chair
- NHS Trust Chief executive/hospital manager
- Medical director/chair of the medical advisor committee
- Director of nursing/clinical services manager
- Chief operating officer
- Director of finance
- Non-executive director responsible for quality/safety
- MHA management
- Service leads for each of the core services
- Complaints lead
- Senior lead for human resources
- Senior information and risk owner.
- Trade union representatives.

Where appropriate the team will hold focus groups with separate groups of staff. These will be peer-to-peer focus groups, involving the specialist advisors on our inspection team. We normally hold focus groups including with:

- Consultants/senior doctors (associates)
- Junior doctors
- Registered nurses
- Student nurses and healthcare assistants
- Psychologists
- Allied health and social care professionals such as occupational therapists and social workers
- Administrative/other staff.

We may also seek the views of staff through an electronic survey or email.

When inspecting small independent mental health providers we recognise that our approach to focus groups may not be an appropriate method to gather staff views, given the small number of staff and the possible disruption to patient care. In these cases we will gather staff views in other ways, such as interviews.
Other inspection methods/information gathering

Other ways of gathering evidence will include:

- Observing care including using the SOFI 2 (Short Observational Framework for Inspection) tool. Observing care remains an important way for our inspectors to judge the quality of care, particularly for people who cannot express themselves verbally or who lack capacity to make decisions about their care or consent.

- Pathway tracking people using services through their care. Our teams will choose to track the care of people using services who are particularly vulnerable. This will involve both reviewing records and speaking with staff involved in a person’s care as well as the person themselves if they are willing to do so.

- Reviewing records.

- Reviewing policies and documents.

- Inspecting care environments.

Continual evidence evaluation

Throughout the inspection the inspection team leader will continually review the emerging findings with the inspection team. This keeps the team up to date with all issues and enables the focus of the inspection to be shifted if new areas of concern or outstanding practice are identified. It also enables the team to identify what further evidence might be needed in relation to a line of enquiry, and which relevant facts might still be needed to corroborate a judgement or, where appropriate, a rating.

Continual evaluation is also an opportunity to make connections across different areas of inspection where there may be common themes, such as lack of audits, and which might raise questions about governance structures overall.

Feedback on the announced visit

At the end of the announced inspection visit, the Inspection Chair, where they are part of an inspection team, and the inspection team leader will hold a feedback meeting with the chief executive, the chair and other members of the provider’s board, or equivalent. This is to give high-level feedback only that will be illustrated with some examples. We will not provide indicative ratings at this stage.

The meeting will cover:

- Thanking the provider’s staff for their support and contribution.

- Explaining our findings to date, but noting that further analysis of the evidence is needed before final judgements can be reached on all issues.

- Any issues that were escalated during the visit.
• Any plans for follow-up or additional visits (unless they are unannounced).
• Reminding the provider that we may carry out unannounced visits.
• Explaining that further analysis is required before we can award ratings.
• Explaining how we will make judgements against the regulations.
• Explaining the next steps, including challenging factual accuracy in the report and final report sign-off, quality summits and publication.
• Answering any questions from the provider.

Unannounced inspection visits

Following the announced visit, the inspection team will normally carry out further inspection activities.

These unannounced visits may be during the day or out of hours, and may be carried out by a subset of the inspection team. They will involve the inspection methods described above. We may go back to areas we have already visited. At the start of these visits, the team will meet with the provider’s senior operations lead on duty at the time, and at the end will feed back if there are any immediate safety concerns.
8. Focused inspection

There will be circumstances when we will carry out a focused inspection rather than a comprehensive inspection. We will carry out a focused inspection for one of two reasons:

- To focus on an area of concern.
- Where certain changes in the provider occur.

Focused inspections do not look at all five key questions; they focus on the areas indicated by the information that triggers the focused inspection.

Areas of concern

We will undertake a focused inspection when we are following up on areas of concern, including:

- Concerns that were originally identified during a comprehensive inspection and have resulted in enforcement or improvement action. This is normally three months after a comprehensive inspection or soon after a provider has notified us that they have taken the action needed.
- Concerns that have been raised with us outside an inspection through other sources such as information from Intelligent Monitoring, MHA monitoring visits, members of the public, staff or stakeholders.

Changes in the service provider

When there is a planned merger, acquisition or takeover of an NHS trust or NHS hospital, Monitor or the NHS Trust Development Authority will need to seek our advice before authorising the transaction. We will typically undertake a focused inspection in order to inform our advice or a comprehensive inspection if necessary. We will coordinate our evidence gathering and site visits with Monitor or the NHS Trust Development Authority to reduce the burden on trusts.

The focused inspection process

Although they are smaller in scale, focused inspections broadly follow the same process as a comprehensive inspection.

The reason for the inspection determines many aspects, such as the scope of the inspection, when to visit, what evidence needs to be gathered, the size of the team and which specialist advisers to involve. Visits may be announced or unannounced depending on the focus of the inspection.

Although smaller in scope, the inspection may result in a change to ratings at the key question or core service level. The same ratings principles apply as
for a comprehensive inspection. The revised ratings resulting from a focused inspection will not necessarily lead to a change of the overall provider rating if the focused inspection was carried out more than six months after the comprehensive inspection. As a focused inspection is not an inspection of the whole of a provider or service it will not produce ratings where they do not already exist.

When a focused inspection identifies significant concerns, it may trigger a comprehensive inspection.
9. Judgements and ratings

Making judgements and ratings

Inspection teams base their judgements on the available evidence, using their professional judgement. For each individual rating (for example, safety in forensic inpatient/secure wards services), the judgement is made following a review of the evidence under each key line of enquiry (KLOE), with this evidence coming from the four sources of information: ongoing local feedback and concerns, local and national data, pre-inspection information gathering and from the on-site inspection visit itself. This hard link between KLOEs, the evidence gathered under them, and the rating judgements lies at the heart of our approach to ensuring consistent, authoritative judgements on the quality of care.

When making our judgements, we consider the weight of each piece of relevant evidence. In most cases, we will need to corroborate our evidence with other sources to support our findings and to enable us to make a robust judgement.

When we have conflicting evidence, we consider the weight of each piece of evidence, its source, how robust it is and which is the strongest. We may conclude that we need to seek additional evidence or specialist advice in order to make a judgement.

Ratings

What do we give a rating to?

For each NHS specialist mental health provider that we inspect, we rate performance at the following four levels:

Level 1: Rate every core service for every key question.
Level 2: An aggregated rating for each core service.¹
Level 3: An aggregated rating for each key question.
Level 4: An aggregated overall rating for the provider as a whole.

For independent providers, we will aim to follow the NHS principles and methodology. However, we recognise that the independent mental health sector is very diverse, with locations varying in size and providing a range of specialist services in addition to core services. Therefore, it may not always

¹ Aggregated ratings (outstanding, good, requires improvement or inadequate) are determined using the ratings principles (see appendix D). The overall rating for the provider is aggregated using the overall ratings for the service types.
be appropriate to rate at the core service level and we will need to consider the weighting given to any inspected specialist services, in regards to the overall rating of the independent provider.

We will continue to test our methodology in regard to the independent sector, and provide further update to the sector later in 2015.

The following example shows how the four levels work together for NHS mental health providers:

Figure 5: The levels at which services are rated

<table>
<thead>
<tr>
<th>Level 1: Every key question for every core service provided</th>
<th>Level 2: Aggregated rating for every core service provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Safe</strong></td>
<td><strong>Effective</strong></td>
</tr>
<tr>
<td>Acute wards for adults of working age &amp; psychiatric intensive care units (PICUs)</td>
<td>Good</td>
</tr>
<tr>
<td>Long stay rehabilitation mental health wards for working age adults</td>
<td>Good</td>
</tr>
<tr>
<td>Forensic inpatient/secure wards</td>
<td>Good</td>
</tr>
<tr>
<td>Child and adolescent mental health wards</td>
<td>Good</td>
</tr>
<tr>
<td>Wards for older people with mental health problems</td>
<td>Good</td>
</tr>
<tr>
<td>Wards for people with a learning disability or autism</td>
<td>Good</td>
</tr>
<tr>
<td>Community-based mental health services for adults of working age</td>
<td>Good</td>
</tr>
<tr>
<td>Mental health crisis services &amp; health-based places of safety</td>
<td>Requires improvement</td>
</tr>
<tr>
<td>Specialist community mental health services for children &amp; young people</td>
<td>Requires improvement</td>
</tr>
<tr>
<td>Community-based mental health services for older people</td>
<td>Good</td>
</tr>
<tr>
<td>Community mental health services for people with a learning disability or autism</td>
<td>Good</td>
</tr>
<tr>
<td>Overall provider</td>
<td>Good</td>
</tr>
</tbody>
</table>

How CQC regulates **specialist mental health services** provider handbook
Sometimes, we won’t be able to award a rating. This could be because:

- The service is new, or
- We don’t have enough evidence, or
- The service has recently been reconfigured, such as being taken over by a new provider.

In these cases we will use the term ‘Inspected but not rated’.

We may also suspend a rating at any level. For example, we may have identified significant concerns that, after reviewing but before a full assessment, lead us to re-consider our previous rating. In this case we would suspend our rating and then investigate the concerns.

**How we decide on a rating**

When awarding ratings of the five key questions at service level, our inspection teams consider the evidence gathered for each of the KLOEs and use the guidance supplied to decide on a rating.

In deciding on a rating, the inspection team look to answer the following questions:

- Does the evidence demonstrate a potential rating of good?
- If yes – does it exceed the standard of good and could it be outstanding?
- If no – does it reflect the characteristics of requires improvement or inadequate?

The following flowchart (figure 6) shows how this would work.
Aggregating ratings

When aggregating ratings, our inspection teams follow a set of principles to ensure consistent decisions. Our principles are set out in [appendix D](#).

The principles will normally apply but will be balanced by inspection teams using their professional judgement. Our ratings must be proportionate to all of the available evidence and the facts and circumstances.

Examples of when we may use professional judgement to depart from the ratings principles include:

- Where the concerns identified have a very low impact on people who use services.
- Where we have confidence in the service to address concerns or where action has already been taken.
- Where a single concern has been identified in a small part of a very large and wide ranging service.
- Where a core service is very small compared to the other core services within a provider.
Where a rating decision is not consistent with the principles, the rationale will be clearly recorded and the decision reviewed by a national quality control and consistency panel. The role of this group is to ensure the quality of every report ahead of it being shared with the organisation being inspected.

**Aggregating ratings for a combined inspection**

As described in section 5, some mental health providers also provide non-mental health services. In these cases we will:

1. For each service type – aggregate the underlying ratings of each service type (for example, acute, community health, mental health) to provide ratings for each of the five key questions.
2. Aggregate the service type key questions to derive overall key question ratings at the provider level.

We will use the aggregation principles set out in appendix D. The level of complexity of aggregation means that it may be more likely that professional judgement will need to balance the aggregation principles to produce a fair and proportionate result.
10. Reporting, quality control and action planning

Reporting

An inspection report is produced following each inspection. This is drafted in collaboration with members of the inspection team. The report will be clear, accessible and written in plain English. ‘Easy read’ report summaries are produced to meet the needs of the people using the service where appropriate. Our reports include our ratings judgement.

Our reports focus on what our findings about each of the five key questions mean for the people who use the service. We describe the good practice we find, as well as any concerns we have. In our reports, we clearly set out any evidence about breaches of the regulations.

Quality control

Consistency is one of the core principles that underpin all our work. We have put in place an overall approach for CQC to embed validity and consistency in everything we do. The key elements of this are:

- A strong and agreed core purpose for CQC.
- A clear statement of our role in achieving that purpose.
- Consistent systems and processes to underpin all our work.
- High-quality and consistent training for our staff.
- Strong quality assurance processes.
- Consistent quality control procedures.

We have made a commitment to strong internal quality control and assurance mechanisms,

As part of this, we have a national quality control and consistency panel, chaired by CQC’s Chief Inspector of Hospitals or a Deputy Chief Inspector, review inspection reports. This panel will review a selection of inspection reports. The panel includes a selection of representatives from key areas including CQC legal, policy, intelligence and enforcement teams.

Following quality checks, the draft report is sent to the provider’s nominated individual and chief executive, to enable them to comment on the factual accuracy. For NHS Trusts, we will also share the draft report with Monitor and/or the NHS Trust Development Authority as appropriate.
Publication

We publish the inspection reports and data pack on our website, along with ratings where awarded, following the conclusion of the inspection process. We will coordinate this with providers and encourage them to publish their action plans on their own website.

Displaying ratings

From April 2015, providers must clearly display their CQC ratings at each and every premises from which they provide a regulated activity, at their head office and on their website(s) if they have one. This is to make sure the public see them, and they are accessible to all of the people who use their services.

Full details on what and how to display are included in the guidance on our website. Providers must display their rating no later than 21 calendar days after it has been published on CQC’s website.

Services regulated by CQC but which are not awarded a rating are exempt from this regulation.

We encourage providers to raise awareness of their most recent rating when they are communicating with people who use their services by letter, email or other means.

Action planning with local partners

Where appropriate we will use the inspection findings to form the basis of a discussion at a quality summit. This is a meeting with the provider and partners in the local health and social care system, including organisations that are responsible for commissioning or providing scrutiny of health and social care services in the local area.

The purpose of the quality summit is to agree a plan of action and recommendations based on the inspection team’s findings as set out in the inspection report.

We will always hold quality summits for NHS mental health trusts. We are currently testing this aspect of our methodology in the independent mental health sector. We will provide more information on ratings in these sectors later in 2015.

3 Where awarded
Each quality summit considers:

- The findings of the inspection.
- Whether planned action by the provider to improve quality is adequate or whether additional steps need to be taken.
- Whether support should be made available to the provider from other stakeholders, such as commissioners, to help them improve.

The plan of action will be developed by partners in the local health and social care system and the local authority. The quality summit attendees may include the following people, or their equivalents for independent providers:

- Inspection chair (if appointed).
- The Head of Hospital Inspection or team leader for this inspection visit.
- Specialist advisors including clinical expert(s) from the inspection team.
- Expert(s) by Experience or patient and public representatives from the inspection team.
- Provider representatives (e.g. Chair, Chief Executive, Medical Director, Director of Nursing or equivalents).
- Monitor/NHS Trust Development Authority.
- Local Healthwatch.
- NHS England Area Team representative.
- Local authority representatives (including overview and scrutiny committees and health and wellbeing boards).
- Representatives from relevant clinical commissioning groups.
- Health Education England representative.
- Others as appropriate (for example, a Health and Safety Executive representative).

The CQC representative chairs the first part of the quality summit, and presents the inspection team’s findings. The second part of the summit is not normally led by CQC and chairing arrangements will vary depending on the findings of the inspection.

The provider is given an opportunity to respond to the findings of the report. The focus is then on the provider and partner organisations to identify and agree any action that needs to be taken in response to the findings of our inspection.

After the quality summit, the recommendations for action will be captured in a high-level action plan. Further work will be needed by the provider and its partners to develop detail beneath the high level plan. This should be completed within one month of the quality summit. Action plans are owned by the provider, and it should use its own action plan template. Once agreed, action plans should be shared with the CQC Head of Hospital Inspection/Inspection Manager to make sure that all key areas highlighted during the inspection have been appropriately addressed.
11. Enforcement and actions

Types of action and enforcement

Where we have identified concerns we decide what action is appropriate to take. The action we take is proportionate to the seriousness of the concern and whether there are multiple and persistent breaches.

Where the concern is linked to a breach in regulations, we have a wide range of enforcement powers given to us by the Health and Social Care Act 2008, as amended by the Care Act 2014. Our published enforcement policy and decision tree on our website describes our powers in detail and our general approach to using them.

We may recommend areas for improvement even though a regulation has not been breached to help a provider move to a higher rating.

We include in our report any concerns, areas for improvement or enforcement action taken, raise them at the quality summit when one is held, and expect appropriate action to be taken by the provider and local partners.

We follow up any concerns or enforcement action. If the necessary changes and improvements are not made, we can escalate our response, gathering further information through a focused inspection. However, we always consider each case on its own merit and we do not rigidly apply the enforcement rules when another action may be more appropriate.

Relationship with the fundamental standards regulations

We have published guidance for existing registered providers and managers, and those applying for registration, to understand what they need to do to meet the regulations introduced in April 2015. These regulations include fundamental standards, below which the provision of regulated activities and the care people receive must never fall.

The aim of the new regulations is to increase transparency about the quality of health and care services, encourage improvement, help people who use services to make choices about their care, and to hold providers to account. There are three new regulations: a statutory duty of candour (Regulation 20), a fit and proper person requirement for directors (Regulation 5), and a requirement for providers to display their CQC rating (Regulation 20A).
New regulations: fit and proper person requirement and the duty of candour

Two new regulations – Regulation 5: Fit and proper persons: Directors; and Regulation 20: Duty of candour – apply to all providers from April 2015.

The intention of Regulation 5 is to ensure that people who have director level responsibility for the quality and safety of care, and for meeting the fundamental standards, are fit and proper to carry out this important role. It applies to all providers that are not individuals or partnerships. Organisations retain full responsibility for appointing directors and board members (or their equivalents). CQC may intervene where we have evidence that a provider has not met the requirement to appoint and have in place fit and proper directors, using the full range of our enforcement powers.

The intention of Regulation 20 is to ensure that providers are open and transparent with people who use services and other ‘relevant persons’ (people acting lawfully on their behalf) in general in relation to care and treatment. It also sets out some specific requirements that providers must follow when things go wrong with care and treatment, including informing people about the incident, providing reasonable support, and providing truthful information and an apology. This statutory duty on organisations supplements the existing professional duty of candour on individuals.

These new requirements are incorporated into our inspection assessment framework and registration processes. Where we find that providers are not conforming to these regulations we will report this and take action as appropriate. Further information is included in the guidance on our website.

Responding to inadequate care

We want to ensure that services found to be providing inadequate care do not continue to do so. Therefore we have introduced special measures.

The purpose of special measures is to:

- Ensure that providers found to be providing inadequate care significantly improve.
- 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.

For NHS trusts

CQC will work with other organisations, including other regulators and commissioners, to ensure action is taken on concerns that we identify.
Sometimes CQC will identify the need for significant improvements in quality, but not have confidence in the leadership of an NHS trust or foundation trust (FT) to make the necessary improvements without additional support. In those circumstances, we have the option to recommend to the NHS Trust Development Authority (NHS TDA) or Monitor that the trust is placed into special measures. Special measures consist of a set of specific interventions designed to support the trust to improve rapidly the quality of care.

During the special measures period we will discuss progress and keep up to date with the trust/FT and with NHS TDA/Monitor. We will inspect at any time during that 12 months if we have any new concerns. We will normally re-inspect 12 months from the trust being placed in special measures, but NHS TDA/Monitor may recommend an earlier inspection if there is sufficient evidence of good progress. If, following inspection, we feel sufficient progress has been made we will recommend it is taken out of special measures.

If sufficient progress has not been made when we re-inspect we will consult with NHS TDA/Monitor as to whether the trust remains in special measures or if further action is needed.

Further information can be found in the joint NHS TDA, Monitor and CQC document *A guide to special measures*.

**For independent mental health services**

Independent mental health services rated as inadequate overall will be placed straight into special measures.

Independent mental health services awarded an inadequate rating for any key question or any core service will be re-inspected within six months. If there remains an inadequate rating for any key question or any core service after six months, the service will be placed into special measures.

Once an independent mental health service is placed in special measures we will re-inspect within six months to check that sufficient progress has been made. If, following inspection, we feel sufficient progress has been made we will remove the service from special measures.

If sufficient progress has not been made when we re-inspect, further action will be taken to prevent the service from operating, either by proposing to cancel their registration or varying the terms of their registration. There will then be a further inspection, normally within six months. If sufficient progress has not been made when we re-inspect and there remains an inadequate rating for any core service, key question or overall, we will proceed to cancel their registration or to vary the terms of their registration. This will result in the registration of the affected service being cancelled.

Special measures does not replace CQC’s existing enforcement powers: it is likely that we will take enforcement action at the same time as placing a service into special measures. And in some cases we may need to take
urgent action to protect people who use the service or to bring about improvement, in accordance with our enforcement policy.

We have published detailed guidance about our approach to special measures for independent health services.

Challenging the evidence and ratings

We want to make sure that providers can raise legitimate concerns about the evidence we have used and the way we apply our ratings process, and have a fair and open way for resolving them.

The following routes are open to providers to challenge our judgements.

Factual accuracy check

When providers receive a copy of the draft report (which will include their ratings), they are invited to provide feedback on its factual accuracy. They can challenge the accuracy and completeness of the evidence on which the ratings are based. Any factual accuracy comments that are upheld may result in a change to one or more rating. Providers have 10 working days to review draft reports for factual accuracy and submit their comments to CQC.

Warning notice representations

If CQC serves a Warning Notice, it gives providers the opportunity to make representations about the matters in the Notice. The content of the Notice will be informed by evidence about the breach, which is in the inspection report. This evidence will sometimes have also contributed to decisions about ratings. Therefore, as with the factual accuracy check, representations that are upheld that also have an impact on ratings may result in relevant ratings being amended.

Request for a rating review

Providers can ask for a review of ratings.

The only grounds for requesting a review is that CQC did not follow the process for making ratings decisions and aggregating them. Providers cannot request reviews on the basis that they disagree with the judgements made by CQC, as such disagreements would have been dealt with through the factual accuracy checks and any representations about a Warning Notice if one was served.

Where a provider thinks that we have not followed the published process properly and wants to request a review of one or more of their ratings, they must tell us of their intention to do so within 5 working days of publication of the report. Providers will be sent instructions for submitting their request for
review, which must be received within 15 working days of the publication of the report.

Providers will have a single opportunity to request a review of their inspection ratings. In the request for review form, providers must say which rating(s) they want to be reviewed and all relevant grounds. Where we do not uphold a request for review, providers cannot request a subsequent review of the ratings from the same inspection report.

When we receive a request for review we will explain on our website that the ratings in a published report are being reviewed.

The request for review process will be led by CQC staff who were not involved in the original inspection, with access to an independent reviewer.

We will send the outcome of the review to the provider following the final decision. Where a rating is changed as a result of a review, the report and ratings will be updated on our website as soon as possible. It should be noted that following the conclusion of the review, ratings can go down as well as up.

The review process is the final CQC process for challenging a rating. Providers can challenge our decisions elsewhere – for example, by complaining to the Parliamentary and Health Services Ombudsman or by applying for judicial review.

**Complaints about CQC**

We aim to deal with all complaints about how we carry out our work, including complaints about members of our staff or people working for us, promptly and efficiently.

Complaints should be made to the person that the provider has been dealing with, because they will usually be the best person to resolve the matter. If the complainant feels unable to do this, or they have tried and were unsuccessful, they can call, email or write to us. Our contact details are on our website.

We will write back within three working days to say who will handle the complaint.

We’ll try to resolve the complaint. The complainant will receive a response from us in writing within 15 working days saying what we have done, or plan to do, to put things right.

If the complainant is not happy with how we responded to the complaint, they must contact our Corporate Complaints Team within 20 days and tell us why they were unhappy with our response and what outcome they would like. They can call, email or write to our Corporate Complaints Team. The contact details are on our website.
The team will review the information about the complaint and the way we have dealt with it. In some cases we may ask another member of CQC staff or someone who is independent of CQC to investigate it further. If there is a more appropriate way to resolve the complaint, we will discuss and agree it with the complainant.

We will send the outcome of the review within 20 working days. If we need more time, we will write to explain the reason for the delay.

If the complainant is still unhappy with the outcome of the complaint, they can contact the Parliamentary and Health Service Ombudsman. Details of how to do this are on the Parliamentary and Health Service Ombudsman website.

**Note:**
Please also see the separate *appendix* document to this handbook, which contains important information:

- Appendix A: Core service definitions
- Appendix B: Key lines of enquiry
- Appendix C: Characteristics of each rating level
- Appendix D: Ratings principles
How to contact us

Call us on: 03000 616161
Email us at: enquiries@cqc.org.uk
Look at our website: www.cqc.org.uk
Write to us at: Care Quality Commission
               Citygate
               Gallowgate
               Newcastle upon Tyne
               NE1 4PA

Follow us on Twitter: @CareQualityComm