

Review of compliance

Margaret Rose Care Limited Warberries Nursing Home	
Region:	South West
Location address:	Lower Warberry Road Torquay Devon TQ1 1QS
Type of service:	Care home service with nursing
Date of Publication:	January 2012
Overview of the service:	Warberries Nursing Home, situated in Torquay, is registered to provide nursing care for up to a maximum of 49 people. The provider of the service, since 15 November 2011, is Margaret Rose Care Limited.

Summary of our findings for the essential standards of quality and safety

Our current overall judgement

Warberries Nursing Home was not meeting one or more essential standards. Improvements are needed.

The summary below describes why we carried out this review, what we found and any action required.

Why we carried out this review

We carried out this review as part of our routine schedule of planned reviews.

How we carried out this review

We reviewed all the information we hold about this provider.

What people told us

We spoke with people using the service who told us they were happy with the quality of service provided since the Margaret Rose Care Limited has taken over the service. We spoke with staff who told us that they are confident in the management of the home and that the standard of care is monitored, although this is not currently recorded consistently. They told us they had "been through some very unsettling times recently but now things are settled and calm, things are a lot better. Staff are happier and that makes people living here happier". They also confirmed they felt that when concerns are raised, these are addressed and appropriate action taken.

The provider told us that they operate a system which provides regular reviews on the Quality of Care in the other services they own and this will be introduced at Warberries. People at the home, their relatives and professionals will be provided with questionnaires to get their views and concerns.

What we found about the standards we reviewed and how well Warberries Nursing Home was meeting them

Outcome 01: People should be treated with respect, involved in discussions about their care and treatment and able to influence how the service is run

Generally people are treated with respect and their dignity is maintained.

There is no evidence that people, whose care needs had changed since the service has been taken over, are involved in discussions about their care and treatment.

Overall, we found that improvements were needed for this essential standard.

Outcome 04: People should get safe and appropriate care that meets their needs and supports their rights

People living at Warberries were well cared for and happy with the level of care provided.

Plans of how people chose to have care delivered were not comprehensive, which puts people at risk of the care needs not being met.

Overall, we found that improvements were needed for this essential standard.

Outcome 07: People should be protected from abuse and staff should respect their human rights

People living at the Warberries feel safe. Staff are aware of the need to protect people from the risk of harm or abuse and of appropriate actions and referral procedures to be taken in the event of an allegation of poor practice or abuse being reported to them.

Overall, we found that Warberries Nursing Home was meeting this essential standard.

Outcome 09: People should be given the medicines they need when they need them, and in a safe way

Not all staff are complying with the policies and procedures for the administration of medication at the service. This puts people at risk of not receiving medication as prescribed.

Overall, we found that improvements were needed for this essential standard.

Outcome 12: People should be cared for by staff who are properly qualified and able to do their job

People benefit from living at a home that carries out all relevant checks when they employ staff so that people who live in the home are safe.

Overall, we found that Warberries Nursing Home was meeting this essential standard.

Outcome 16: The service should have quality checking systems to manage risks and assure the health, welfare and safety of people who receive care

There are currently no systems in place at the service to monitor and review the views of people who use the service. Care plans do not consistently monitor the quality of care provided.

Overall, we found that improvements were needed for this essential standard.

Outcome 17: People should have their complaints listened to and acted on properly

People that use the service or their relatives know how to raise a concern or complaint and the service supports them to do so.

Overall, we found that Warberries Nursing Home was meeting this essential standard.

Actions we have asked the service to take

We have asked the provider to send us a report within 28 days of them receiving this report, setting out the action they will take to improve. We will check to make sure that the improvements have been made.

Where we have concerns we have a range of enforcement powers we can use to protect the safety and welfare of people who use this service. When we propose to take enforcement action, our decision is open to challenge by a registered person through a variety of internal and external appeal processes. We will publish a further report on any action we have taken.

Other information

Please see previous reports for more information about previous reviews.

**What we found
for each essential standard of quality
and safety we reviewed**

The following pages detail our findings and our regulatory judgement for each essential standard and outcome that we reviewed, linked to specific regulated activities where appropriate.

We will have reached one of the following judgements for each essential standard.

Compliant means that people who use services are experiencing the outcomes relating to the essential standard.

A **minor concern** means that people who use services are safe but are not always experiencing the outcomes relating to this essential standard.

A **moderate concern** means that people who use services are safe but are not always experiencing the outcomes relating to this essential standard and there is an impact on their health and wellbeing because of this.

A **major concern** means that people who use services are not experiencing the outcomes relating to this essential standard and are not protected from unsafe or inappropriate care, treatment and support.

Where we identify compliance, no further action is taken. Where we have concerns, the most appropriate action is taken to ensure that the necessary improvements are made. Where there are a number of concerns, we may look at them together to decide the level of action to take.

More information about each of the outcomes can be found in the *Guidance about compliance: Essential standards of quality and safety*

Outcome 01: Respecting and involving people who use services

What the outcome says

This is what people who use services should expect.

People who use services:

- * Understand the care, treatment and support choices available to them.
- * Can express their views, so far as they are able to do so, and are involved in making decisions about their care, treatment and support.
- * Have their privacy, dignity and independence respected.
- * Have their views and experiences taken into account in the way the service is provided and delivered.

What we found

Our judgement

There are moderate concerns with Outcome 01: Respecting and involving people who use services

Our findings

What people who use the service experienced and told us

Because of the complexities of people's illnesses, some people at the home were unable to express their views. Both direct and indirect observation were used to assess the wellbeing and happiness of people in the home, as well as speaking with them.

People we spoke with said they felt well treated and their privacy and dignity were respected. We saw signs of well being and many examples where people were being treated with respect by staff. We heard staff address people appropriately, using their preferred names.

People sitting in the lounge area appeared in a positive mood and were engaged in activities such as watching television, listening to music, talking to staff and walking around the home.

We spoke to six people during our visit about the reason for their admission to the Warberries and the care they received. They told us they understood why they were living at the Warberries. People also told us that staff treated them respectfully and often spent time with them "just to talk".

People gave us examples of choices that they make such as what time they get up,

where they eat, and how they spend their time. Staff offered choices to people throughout our visit to the home. Staff gave us examples of how they respect people's privacy and dignity. They also told us how they encourage people to do what they can for themselves to promote their independence.

We looked at care files in detail for three people living at the home. These plans had been compiled by the previous management of the service and were comprehensive and included evidence of people being consulted about how they chose to have their health and social care needs met. However, there was no evidence of people being included in planning how their individual care needs would be met since the service went into administration in August 2011. or since the current provider took over the service on 16 November 2011.

Other evidence

Information is transferred by staff between each shift in handovers which helps make sure information about people's needs is known to all the care team.

Our judgement

Generally people are treated with respect and their dignity is maintained.

There is no evidence that people, whose care needs had changed since the service has been taken over, are involved in discussions about their care and treatment.

Overall, we found that improvements were needed for this essential standard.

Outcome 04: Care and welfare of people who use services

What the outcome says

This is what people who use services should expect.

People who use services:

* Experience effective, safe and appropriate care, treatment and support that meets their needs and protects their rights.

What we found

Our judgement

There are moderate concerns with Outcome 04: Care and welfare of people who use services

Our findings

What people who use the service experienced and told us

People living at Warberries told us "Things have settled lately and I enjoy living here, all the staff are very kind", "This is a very nice place" and "I am very happy living here".

During our visit to the home we spoke to people living there and also spent time observing the care being delivered to individuals, as some people were not able to discuss the care that they received. We also looked at the care files and records kept by the home, and related the care we saw being provided to the information included in these individual plans.

All people living at Warberries have plans of how their health and social care needs will be met. We were told by the manager that there are plans to introduce a care planning process used at two care services also owned by the provider. As part of this they will be reviewing the care of all the people living at Warberries.

We looked at the care files for three people currently living at Warberries. There was no evidence in the care records to suggest that the person or their representative had been consulted or involved in the review of their care, treatment or support since the service went into administration in August 2011 or since the new provider has taken over the service. For example we spoke to a nurse who told us how staff had concerns about a person which resulted in the person receiving treatment for an infection. However, there was no plan of how this was to be managed, monitored or reviewed. We were told that staff had monitored and reviewed the situation and were shown a fax

which had been sent to the person's doctor because despite being treated for an infection staff were concerned that the treatment was not effective. This suggests good care but poor documentation. We also saw a care plan which had been completed during the previous management, which was comprehensive. However, we saw evidence in daily reports which stated that the care being delivered by staff had changed recently. When we looked at the care plan we noted that it had not been updated to reflect the changes which had been made. This means there was no plan to provide staff with information of how the health care needs of people are to be met, monitored and reviewed.

Daily records are completed by staff and these are kept in folders in individual's rooms. We were told that since taking over the service the manager has introduced this as previously all records were kept in an office and were not easily accessible to people. This means that people can now refer to their files when they wish to. We looked at three files and saw that staff are recording care provided to individuals and are due to undertake a falls risk assessment for all people living at Warberries.

We saw people receiving care from staff, and this showed us that staff understood people's needs. We saw staff talking with people respectfully and using diversionary techniques to reduce the anxiety of some people. Staff gave people direct and clear answers to questions which calmed feelings of worry.

Other evidence

No other evidence was needed to make a judgement on this essential standard.

Our judgement

People living at Warberries were well cared for and happy with the level of care provided.

Plans of how people chose to have care delivered were not comprehensive, which puts people at risk of the care needs not being met.

Overall, we found that improvements were needed for this essential standard.

Outcome 07: Safeguarding people who use services from abuse

What the outcome says

This is what people who use services should expect.

People who use services:

* Are protected from abuse, or the risk of abuse, and their human rights are respected and upheld.

What we found

Our judgement

The provider is compliant with Outcome 07: Safeguarding people who use services from abuse

Our findings

What people who use the service experienced and told us

People we spoke with during this visit told us the staff were kind to them and they felt safe living at Warberries.

Staff we spoke with told us they knew the people they care for well, and would be able to recognise if they were unhappy and could not talk about their feelings. Staff recognised their responsibilities in safeguarding the people who use the service. They confirmed they had received training in safeguarding people and prevention of abuse. They were able to discuss what they would consider being abuse or poor practice and assured us that none of them would tolerate it. If they suspected a member of staff carrying out poor practice they would not hesitate to report it to a senior member of staff.

Other evidence

Both the manager and their deputy were familiar with safeguarding policies and procedures and described appropriate action they would undertake in the event of an allegation of abuse being reported to them.

Our judgement

People living at the Warberries feel safe. Staff are aware of the need to protect people from the risk of harm or abuse and of appropriate actions and referral procedures to be taken in the event of an allegation of poor practice or abuse being reported to them.

Overall, we found that Warberries Nursing Home was meeting this essential standard.

Outcome 09: Management of medicines

What the outcome says

This is what people who use services should expect.

People who use services:

- * Will have their medicines at the times they need them, and in a safe way.
- * Wherever possible will have information about the medicine being prescribed made available to them or others acting on their behalf.

What we found

Our judgement

There are moderate concerns with Outcome 09: Management of medicines

Our findings

What people who use the service experienced and told us

Medication is managed by registered nurses at the home. The medication comes in a mixture of blister pack or separately if not suitable to be dispensed from a blister pack. Cupboards were clean, well ordered and tidy. Specimen staff signatures were found in each person's care plan and photographs to help identify people were available on the medication folder.

We spoke to some people living in the home about the way they receive medicines and all said they are given their medicines by staff. People told us they were happy with the way they receive their medicines. We asked the manager whether people are assessed, during a pre admission/ admission assessment, in relation to their wishes or ability to look after their own medicines when they move into the service. The manager told us there are plans to have secure medicine cabinets fitted in each person's room where medication will be stored. The ethos of the service is that if a person wishes to look after their own medicines they will be supported and encouraged to do so by staff at the service. An assessment of the risks associated with this would be undertaken prior to the decision being made.

We watched some medicines being given to people at lunchtime and saw that they were given in a safe way.

We also looked at medicines records in the home, to see if people receive their medicines as they have been prescribed for them. We saw a medication chart which did

not indicate the correct administration time for a pain reliever. The prescription stated the pain relieving patch should have been replaced at 72 hour intervals. The time indicated on the chart for the patch to be replaced, and which staff were following, showed that the patch was not replaced as prescribed. We also saw another chart which indicated that a medication, which had been prescribed to be given once a day at bedtime, had been given in the morning and at bedtime on six days. Another chart showed that a medication prescribed to be given four times a day was only given three times a day and another a medication, which should have been given twice a day, was only being given once a day. This means that people are at risk of not receiving medication as prescribed.

The service maintains records of receipt, administration and disposal of controlled drugs in a register which complied with the Royal Pharmaceutical Society's guidance.

Other evidence

No other evidence was needed to make a judgement on this essential standard.

Our judgement

Not all staff are complying with the policies and procedures for the administration of medication at the service. This puts people at risk of not receiving medication as prescribed.

Overall, we found that improvements were needed for this essential standard.

Outcome 12: Requirements relating to workers

What the outcome says

This is what people who use services should expect.

People who use services:

* Are safe and their health and welfare needs are met by staff who are fit, appropriately qualified and are physically and mentally able to do their job.

What we found

Our judgement

The provider is compliant with Outcome 12: Requirements relating to workers

Our findings

What people who use the service experienced and told us

People who live in the home told us that they are happy with the staff at the home. Comments included " They are all very good", and "all of them are very kind". We observed staff working and noted that they were kind and caring. They demonstrated knowledge of people's specific needs and appeared to be respectful.

Staff told us about the service's recruitment process. All staff spoken with had attended an interview and they were able to confirm that the appropriate checks had been carried out before they started work at the home.

Other evidence

We looked at three staff recruitment files which contained all of the required information. We spoke to one of these staff who confirmed that their recruitment and employment had been undertaken according to good practice.

Our judgement

People benefit from living at a home that carries out all relevant checks when they employ staff so that people who live in the home are safe.

Overall, we found that Warberries Nursing Home was meeting this essential standard.

Outcome 16: Assessing and monitoring the quality of service provision

What the outcome says

This is what people who use services should expect.

People who use services:

* Benefit from safe quality care, treatment and support, due to effective decision making and the management of risks to their health, welfare and safety.

What we found

Our judgement

There are moderate concerns with Outcome 16: Assessing and monitoring the quality of service provision

Our findings

What people who use the service experienced and told us

We spoke with people using the service who told us they were happy with the quality of service provided since the Margaret Rose Care Limited has taken over the service. We spoke with staff who told us that they are confident in the management of the home and that the standard of care is monitored, although this is not currently recorded consistently. They told us they had "been through some very unsettling times recently but now things are settled and calm, things are a lot better. Staff are happier and that makes people living here happier". They also confirmed they felt that when concerns are raised, these are addressed and appropriate action taken.

The provider told us that they operate a system which provides regular reviews on the Quality of Care in the other services they own and this will be introduced at Warberries. People at the home, their relatives and professionals will be provided with questionnaires to get their views and concerns.

Other evidence

No other evidence was needed to make a judgement on this essential standard.

Our judgement

There are currently no systems in place at the service to monitor and review the views of people who use the service. Care plans do not consistently monitor the quality of care provided.

Overall, we found that improvements were needed for this essential standard.

Outcome 17: Complaints

What the outcome says

This is what people should expect.

People who use services or others acting on their behalf:

- * Are sure that their comments and complaints are listened to and acted on effectively.
- * Know that they will not be discriminated against for making a complaint.

What we found

Our judgement

The provider is compliant with Outcome 17: Complaints

Our findings

What people who use the service experienced and told us

People told us that they would feel able to say if something were wrong or not to their liking, by telling the staff or speaking with the manager. They felt confident that the matter would be properly addressed. One person who lives in the home said, "I have spoken to the new owner and the manager and I think they would be easy to talk to if I had any problems".

The provider and the manager told us they recognise complaints and compliments as being a valuable tool for improving the quality of the service they provide.

The Complaints policy and procedure describe that all concerns are fully investigated with explanation given of events and remedial action taken, along with future preventative strategies and an apology.

A copy of the home's complaints procedure is displayed in the reception area at the home and it is also contained in a resident's information folder which we saw in each room we visited.

Other evidence

No other evidence was needed to make a judgement on this essential standard.

Our judgement

People that use the service or their relatives know how to raise a concern or complaint and the service supports them to do so.

Overall, we found that Warberries Nursing Home was meeting this essential standard.

Action we have asked the provider to take

Improvement actions

The table below shows where improvements should be made so that the service provider **maintains** compliance with the essential standards of quality and safety.

Regulated activity	Regulation	Outcome
Accommodation for persons who require nursing or personal care	Regulation 10 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 16: Assessing and monitoring the quality of service provision
	<p>Why we have concerns:</p> <p>There are currently no systems in place at the service to monitor and review the views of people who use the service. Care plans do not consistently monitor the quality of care provided.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
Diagnostic and screening procedures	Regulation 10 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 16: Assessing and monitoring the quality of service provision
	<p>Why we have concerns:</p> <p>There are currently no systems in place at the service to monitor and review the views of people who use the service. Care plans do not consistently monitor the quality of care provided.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
Treatment of disease, disorder or injury	Regulation 10 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 16: Assessing and monitoring the quality of service provision
	<p>Why we have concerns:</p> <p>There are currently no systems in place at the service to monitor and review the views of people who use the service. Care plans do not consistently monitor the</p>	

	<p>quality of care provided.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
Accommodation for persons who require nursing or personal care	Regulation 19 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 17: Complaints
	<p>Why we have concerns:</p> <p>People that use the service or their relatives know how to raise a concern or complaint and the service supports them to do so.</p> <p>Overall, we found that Warberries Nursing Home was meeting this essential standard.</p>	
Diagnostic and screening procedures	Regulation 19 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 17: Complaints
	<p>Why we have concerns:</p> <p>People that use the service or their relatives know how to raise a concern or complaint and the service supports them to do so.</p> <p>Overall, we found that Warberries Nursing Home was meeting this essential standard.</p>	
Treatment of disease, disorder or injury	Regulation 19 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 17: Complaints
	<p>Why we have concerns:</p> <p>People that use the service or their relatives know how to raise a concern or complaint and the service supports them to do so.</p> <p>Overall, we found that Warberries Nursing Home was meeting this essential standard.</p>	

The provider must send CQC a report about how they are going to maintain compliance with these essential standards.

This report is requested under regulation 10(3) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

The provider's report should be sent to us within 28 days of the date that the final review of compliance report is sent to them.

CQC should be informed in writing when these improvement actions are complete.

Compliance actions

The table below shows the essential standards of quality and safety that **are not being met**. Action must be taken to achieve compliance.

Regulated activity	Regulation	Outcome
Diagnostic and screening procedures	Regulation 17 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 01: Respecting and involving people who use services
	<p>How the regulation is not being met: Generally people are treated with respect and their dignity is maintained.</p> <p>There is no evidence that people, whose care needs had changed since the service has been taken over, are involved in discussions about their care and treatment.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
Treatment of disease, disorder or injury	Regulation 17 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 01: Respecting and involving people who use services
	<p>How the regulation is not being met: Generally people are treated with respect and their dignity is maintained.</p> <p>There is no evidence that people, whose care needs had changed since the service has been taken over, are involved in discussions about their care and treatment.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
Accommodation for persons who require nursing or personal care	Regulation 17 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 01: Respecting and involving people who use services

	<p>How the regulation is not being met: Generally people are treated with respect and their dignity is maintained.</p> <p>There is no evidence that people, whose care needs had changed since the service has been taken over, are involved in discussions about their care and treatment.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
Accommodation for persons who require nursing or personal care	Regulation 9 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 04: Care and welfare of people who use services
Diagnostic and screening procedures	Regulation 9 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 04: Care and welfare of people who use services
Treatment of disease, disorder or injury	Regulation 9 HSCA 2008 (Regulated Activities) Regulations 2010	Outcome 04: Care and welfare of people who use services

	<p>How the regulation is not being met: People living at Warberries were well cared for and happy with the level of care provided.</p> <p>Plans of how people chose to have care delivered were not comprehensive, which puts people at risk of the care needs not being met.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>	
<p>Accommodation for persons who require nursing or personal care</p>	<p>Regulation 13 HSCA 2008 (Regulated Activities) Regulations 2010</p>	<p>Outcome 09: Management of medicines</p>
<p>Diagnostic and screening procedures</p>	<p>Regulation 13 HSCA 2008 (Regulated Activities) Regulations 2010</p>	<p>Outcome 09: Management of medicines</p>
<p>Treatment of disease, disorder or injury</p>	<p>Regulation 13 HSCA 2008 (Regulated Activities) Regulations 2010</p>	<p>Outcome 09: Management of medicines</p>
	<p>How the regulation is not being met: Not all staff are complying with the policies</p>	

	<p>and procedures for the administration of medication at the service. This puts people at risk of not receiving medication as prescribed.</p> <p>Overall, we found that improvements were needed for this essential standard.</p>
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The provider must send CQC a report that says what action they are going to take to achieve compliance with these essential standards.

This report is requested under regulation 10(3) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

The provider's report should be sent to us within 28 days of the date that the final review of compliance report is sent to them.

Where a provider has already sent us a report about any of the above compliance actions, they do not need to include them in any new report sent to us after this review of compliance.

CQC should be informed in writing when these compliance actions are complete.

What is a review of compliance?

By law, providers of certain adult social care and health care services have a legal responsibility to make sure they are meeting essential standards of quality and safety. These are the standards everyone should be able to expect when they receive care.

The Care Quality Commission (CQC) has written guidance about what people who use services should experience when providers are meeting essential standards, called *Guidance about compliance: Essential standards of quality and safety*.

CQC licenses services if they meet essential standards and will constantly monitor whether they continue to do so. We formally review services when we receive information that is of concern and as a result decide we need to check whether a service is still meeting one or more of the essential standards. We also formally review them at least every two years to check whether a service is meeting all of the essential standards in each of their locations. Our reviews include checking all available information and intelligence we hold about a provider. We may seek further information by contacting people who use services, public representative groups and organisations such as other regulators. We may also ask for further information from the provider and carry out a visit with direct observations of care.

When making our judgements about whether services are meeting essential standards, we decide whether we need to take further regulatory action. This might include discussions with the provider about how they could improve. We only use this approach where issues can be resolved quickly, easily and where there is no immediate risk of serious harm to people.

Where we have concerns that providers are not meeting essential standards, or where we judge that they are not going to keep meeting them, we may also set improvement actions or compliance actions, or take enforcement action:

Improvement actions: These are actions a provider should take so that they **maintain** continuous compliance with essential standards. Where a provider is complying with essential standards, but we are concerned that they will not be able to maintain this, we ask them to send us a report describing the improvements they will make to enable them to do so.

Compliance actions: These are actions a provider must take so that they **achieve** compliance with the essential standards. Where a provider is not meeting the essential standards but people are not at immediate risk of serious harm, we ask them to send us a report that says what they will do to make sure they comply. We monitor the implementation of action plans in these reports and, if necessary, take further action to make sure that essential standards are met.

Enforcement action: These are actions we take using the criminal and/or civil procedures in the Health and Social Care Act 2008 and relevant regulations. These enforcement powers are set out in the law and mean that we can take swift, targeted action where services are failing people.

Information for the reader

Document purpose	Review of compliance report
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