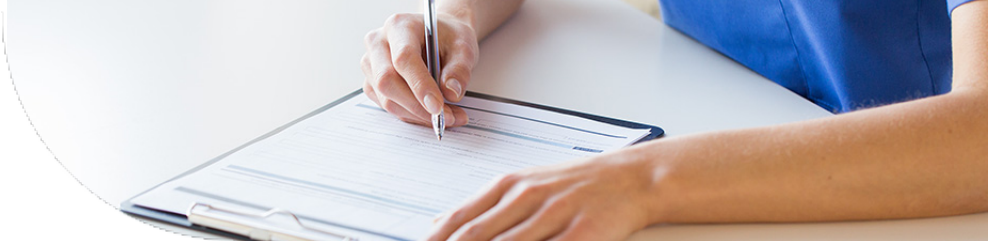

CQC Admits False Contents in Inspection Reports

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Our healthcare solicitors frequently represent care providers in challenging their inspection reports, most commonly on the basis that reports do not provide an accurate reflection of the true position at the service.

Providers have often voiced concerns they do not feel the contents of their report are accurate and, in some cases, they feel the report is describing a completely different service. Until now, CQC has paid very little, if any, attention to such concerns, apparently sweeping them aside as the conspiratorial ramblings of a disgruntled provider.

However, it appears that some of those providers may have been right!

Yesterday, The Times reported that the Care Quality Commission (CQC) identified “duplicate material” in 78 inspection reports during a recent audit. This included some extremely specific information such as identical quotations from patients or sections of evidence pasted into reports in relation to different services. Apart from one home in London, all of the homes affected were based in the north of England. As a result of these findings, CQC has removed numerous inspection reports from its website. In 40 of the cases, CQC has removed the duplicated material but is apparently confident that the overall findings of the report remain unaffected and the rating attributed in the inaccurate report will remain.

In respect of the other 38 homes, CQC has completely removed the inspection reports concerned and those homes have returned to the rating awarded during their previous inspection. Understandably, this has caused significant concern to those homes which had seen significant improvement and which may now have dropped back to a rating of Inadequate or Requires Improvement from a rating of Good. Given the passage of time since those previous inspections, it is hard to see how a historical rating may provide a more accurate reflection of the current performance of the service than a partial flawed more recent rating (which is apparently acceptable at 40 of the homes).

In respect of those 38 homes for which CQC has withdrawn their inspection reports, The Times reports that CQC intends to re-inspect the service in order to be “confident in the ratings and findings”.

It is understood that CQC has identified not one but three individuals who were responsible for the duplication. Each of these individuals were part of an inspection team and were tasked with giving their evidence back to the

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lead inspector who compiles the final report. Two of the individuals were Experts by Experience who were employed through an agency. It is reported that those individuals had provided identical quotations from service users across a number of different reports. It is reported that the third individual concerned was a Specialist Adviser who had been employed to support the inspection team. The Times reports that CQC confirmed that the individuals concerned were immediately removed from inspection activities as soon as CQC became aware of the issues.

This scandal raises serious questions over CQC's processes, both in respect of preparation of inspection reports, the factual accuracy process and the ratings review process. It is all too common for rating review requests to be dismissed by CQC on the basis that its internal process has been correctly followed, specifically that the draft report has been checked and signed off by a manager internally, and on that basis CQC has declined to review the report contents or ratings further. However, there now has to be serious doubt over the adequacy of that process in light of its failure to identify duplicate and false evidence contained within inspection reports.

Doubt has to be cast over not only the reliability of the 78 reports concerned, but over the many thousands of other reports produced by CQC each year in respect of which similar shortfalls may not yet have been identified. A scandal like this has to affect public confidence in CQC as the national regulator and CQC will need to make some significant changes to its processes to provide some comfort that there will be no reoccurrence of this issue and to provide some reassurance as to the reliability of its inspection reports. Worryingly, we have already seen an increase in the amount of enforcement action and, in particular, criminal prosecutions by CQC over the last two years and CQC has openly said that this approach is to improve public confidence in it as the regulator. We can only hope that CQC does not attempt to regain some of the public confidence it has now lost by further alienating and penalising providers, to make up for its own failings.

If you require any assistance in challenging your inspection report or CQC has threatened or commenced any enforcement action against you, we strongly recommend you seek specialist legal advice at the earliest possible opportunity. Our healthcare solicitors regularly represent care providers in protecting their position in dealing with problems with CQC. Contact our CQC lawyers today to see how we can help you.

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