CQC: Strive for Outstanding

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Whilst much of the work our healthcare solicitors do focuses on challenging enforcement action and inadequate reports, we recently had the pleasure of assisting a provider who had been rated 'Good' but felt the service should have been rated 'Outstanding'.

Despite the provider's reservations about challenging CQC and others advising that challenge would be fruitless, after preparing a thorough factual accuracy challenge, the provider's overall rating was increased to 'Outstanding' with three of the key question ratings also being increased.

The case demonstrates the importance of challenging CQC when inspectors have got it wrong and taking the time to prepare an effective challenge. Whilst many providers might feel that a report or a rating is unfair, if the report is not challenged correctly, it is unlikely to be changed. In this case, the provider had a wealth of evidence to support the challenge and took the time to focus on the report and assist our CQC lawyers to produce a successful factual accuracy challenge.

We have had many occasions where reports have been changed substantially after we have submitted robust factual accuracy challenges, including occasions where ratings were increased from 'Inadequate' to 'Good'. The fact that CQC can get it so drastically wrong is of significant concern and should only empower providers to challenge the inspectorate when it is right and appropriate to do so. Of course, there are occasions when CQC do not increase ratings or change reports - despite a clear and robust challenge - and in these situations, it can be, and often is, appropriate to take further action to avoid such concerns continuing.

It is always sensible to take advice before embarking on any action and a well-prepared challenge to an adverse report can pay dividends and reduce the likelihood of enforcement action in situations where services have been rated 'Inadequate' or 'Requires Improvement'.

If you would like further advice from our specialist Healthcare Solicitors, please call on 01202 786135, or email online.enquiries@LA-law.com

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