



Horns, Halos, and Dark Arts – CQC: What is ‘Professional Judgement’?

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Many providers will be aware that the primary function of the [Care Quality Commission](#) (CQC) is to monitor, inspect and regulate health and social care services for adults in England. CQC publishes its findings in reports. These reports include ratings which are currently based on the Single Assessment Framework, the “SAF”, which has come under scrutiny and significant criticism since its implementation in late 2023.

Understandably, and despite the well-publicised limitations of the SAF, CQC continues to inspect and rate social care services. Such inspections are often led by information of concern or risk, or are prompted due to the age of ratings. Typically, we are seeing that most inspections of care homes, supported living and domiciliary care services are being triggered by safeguarding concerns having been raised or other information which suggests to CQC that there may be some risk. In several cases, clients are also receiving enforcement action, such as Warning Notices or a Notice of Proposal.

Ratings – particularly those that are adverse, such as “Requires improvement” or “Inadequate” – can have a significant impact on the reputation of a service, and providers remain concerned about the impact of a rating which might not reflect the current quality of their service. Currently, there is no published inspection frequency.

Whilst CQC is currently reviewing its purpose, values, aims, ways of working and framework, it continues to use its “professional judgement” to arrive at a quality statement score and, in turn, a rating at key question level. Using professional judgement is included in the CQC “[Assessing quality and performance; Levels of ratings](#)” and “[How we reach a rating](#)” pages.

Recently, the CQC participation platform ran a project entitled “*potential approaches to levels of judgement and ratings of services*”, which explored five proposed approaches: all of which included “professional judgement” at various levels in the ratings process.

Given the importance of a rating and bearing in mind that “professional judgement” is going to be pivotal in determining that rating, what does “professional judgement” actually mean?

What is “professional judgement”?

“Professional”, given its ordinary definition, means relating to, or belonging to, or qualified in a profession. There are many professions which require significant study, passing of professional examinations and ongoing adherence to published codes of conduct to be considered a “professional”. Examples include nursing, medicine and law. Some CQC inspectors may also hold one of these professional titles, but not all inspectors will hold such qualifications. CQC inspectors are nonetheless employed as the ‘professionals’ when it comes to inspecting and making a judgement about a service. The Regulators’ Code binds CQC as a regulator under the Legislative and Regulatory Reform Act 2006, which focuses on transparency, accountability and notably professionalism in its judgements.

Unconscious bias is a risk for all professionals, who should be mindful of effects such as the ‘halo and horns effect’ and unconscious bias. The ‘halo effect’ occurs when we recognise one positive thing about a person or group, unconsciously impacting our opinion positively, blinding us to other attributes. By contrast, the ‘horns effect’ unconsciously leads us to ignore positive characteristics when one bad event or attribute can cloud our view: a particular risk in an inspection prompted by information of concern.

In May 2025, CQC said that it is *“...determined to improve providers’ experience of regulation with the development of a handbook which describes what we expect from providers, what they can expect from CQC, as well as giving our staff the tools and time to do their job...”* It remains to be seen what the development of the handbook will look like in practice, if it will include a code of conduct and how this will provide greater clarity around the expectations of inspectors.

Sector knowledge and judgement

The recent CQC restructure of inspection teams by sector specialism will reassure providers that, whilst inspectors do not necessarily hold a professional body membership or accreditation, they do have knowledge of the sector they are inspecting.

‘Judgement’, given its ordinary meaning, is the ability to make considered decisions or come to sensible conclusions. In the continued absence of ratings characteristics or similar, the balance of power when it comes to making judgements and ratings can feel like it sits, in some cases, subjectively, with CQC. Knowing whether a service is exhibiting characteristics that would lead an inspector to conclude it is ‘Good’, rather than ‘Requires improvement’, should not be a dark art.

In the context of the CQC, ‘professional judgement’ is the opinion of the inspector based on their findings. CQC has a quality assurance process and part of the ongoing challenge for CQC is how to ensure consistency of approach. Would two inspectors in different parts of the country, faced with the same findings, reach the same judgement, for example? Is this a greater concern given the current absence of ratings characteristics?

It is imperative that providers appropriately challenge findings if they consider them to be factually inaccurate and unfair; be that during feedback sessions or at factual accuracy stage. Findings become conclusions and conclusions become judgements. Inspectors are people: people draw conclusions, arrive at judgements, and people can, at times, come to factually inaccurate conclusions.

CQC as an organisation has processes for training and development, peer reviews, quality assurance and relationship management. While CQC works to regain public and sector trust and confidence, individual inspectors contribute to the reputation of their profession.

Adopting a consistent approach should necessitate consistent professional judgement. Clarity and transparency around the professionals inspecting and how they arrive at their judgements would naturally increase sector and public confidence.

Contact Us

Our team of specialist [health and social care](#) solicitors support care providers in navigating CQC changes, inspections, complaints, and factual accuracy submissions. We collaborate closely with you to not only understand your situation, but also the best approach to achieve your business objectives and the fairest outcome.

Please do not hesitate to get in touch with [Isabel De La Haye](#) in our Healthcare team at IsabelDeLaHaye@LA-Law.com or 01202 786191 to discuss how we can support you.