With failures in the provision of care becoming more and more common in the press, the CQC are not only taking a tougher stance on enforcement action but are also putting providers of care under greater scrutiny when inspections are carried out.

As a result, it is becoming more and more important for care providers to know how to challenge CQC inspection reports and Warning Notices if they do not agree with them. With Devonshires’ assistance you may be able to change the outcome of a report and possibly avoid the issuing of a Warning Notice.

**CQC Inspection Reports**

Once a provider has been issued with a report, they have 10 days to review it and make any factual accuracy challenges before the CQC publish the report on their website.

Although the CQC state that only factual changes can be made to the report, it is possible to challenge the report in a number of ways. For example a provider could argue that the CQC have failed to follow their internal guidance on carrying out inspections or that the evidence relied upon to support their conclusions and findings is inadequate for any reason.

The CQC is under no obligation to accept any amendments or comments, but they must provide written reasons for rejecting those amendments.

As all inspection reports are published on the CQC website, it is important to make the most of this one opportunity to challenge the report.

**Compliance action**

As a precursor to enforcement action, the CQC may issue compliance action. It is essential that this is not ignored, as failure to send a report setting out how a provider intends to rectify any non-compliance may in itself lead to enforcement action.
Warning Notices

The CQC may issue a Warning Notice if an essential standard or another relevant enactment has not been complied with. The Warning Notice will typically set a timescale for compliance.

There is no right of appeal against a Warning Notice but the CQC does allow a care provider to make representations against the publication of the notice. Representations must be made within 10 days of receiving the notice. The representations a provider may make are limited to certain grounds – such as the accuracy of facts – or on the basis that it requires changes that are not reasonable or proportionate.

As the CQC has the right to publish a Warning Notice and it has a legal duty to send a copy of the Warning Notice to relevant external bodies such as the local authority, it is essential that representations are submitted against the Warning Notice if a provider disagrees with it.

After considering submitted representations, the CQC may withdraw the Warning Notice and issue a new one or publish a summary of the Warning Notice and issue a press release.

How can Devonshires assist you?

In view of the short timescale in which to make challenges to an Inspection Report or a Warning Notice, it is essential that providers ensure that they have the time and resources to action this.

At Devonshires we can relieve the pressure by providing support and guidance with reviewing the CQC inspection reports and preparing challenges to Warning Notices. We can also provide assistance when Compliance action has been taken by the CQC. We can ensure that your action plans are S.M.A.R.T. which in turn will mitigate against the CQC escalating their regulatory response to enforcement action.

We understand the importance of a care provider’s reputation. Any factual inaccuracies must be rectified immediately before the information appears on the CQC website. We are on hand to provide the support and guidance you require when you need it.

For more information, please contact

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