

# Care Homes Briefing

Number 67

## Quality ratings and a system of review

The Commission for Social Care Inspection (CSCI) have implemented a new system of quality ratings to be given to registered care providers. As from January 2008 ratings have been included in individual inspection reports and as from April 2008 the ratings began to appear on CSCI's website. The rating scale is as follows: 0 stars = Poor, 1 star = Adequate, 2 stars = Good, and 3 stars = Excellent.

The system of grading the quality of a provider by a Regulator is nothing new and in particular providers in the healthcare sector will be aware of the star rating system used for several years for NHS Trusts. However, the impact of a poor rating can potentially have very serious financial consequences for private providers. Local authority commissioners may implement policies whereby referrals/placements are only made to homes which have a certain rating.

As a result of these concerns the system for reviewing the rating received has come under close scrutiny. CSCI have implemented a system to review ratings entitled, 'Quality Rating Review Service' (QRRS). Some useful guidance has been released<sup>1</sup> setting out how the QRRS will work and what providers will need to do to have their rating reviewed. The guidance confirms: who can request a review, in what circumstances a request can be made, and when and how to make a request. The guidance indicates that only people registered with CSCI can request a

review, the examples given are the registered provider, registered individual or the responsible individual of a registered company. It states that a request should be made only for individual services and it is clear that the Commission will not accept a request from service users, their relatives or Commissioning bodies.<sup>2</sup>

The guidance notes that a request through the QRRS should not be made where a provider is unhappy with the way an inspector carries out their inspection. Instead the corporate complaints procedure should be used for those concerns.

Before a review is requested a draft inspection report will have been provided to allow the provider the opportunity to clarify any concerns with the inspector and rectify factual inaccuracies. A review should then only be requested where resolution with the local inspection team has failed. It is important to note that if a review is requested the local inspection team should be informed so that the draft report is not published until the review is completed.<sup>3</sup>

The guidance confirms that a request should only be made if the provider can evidence the following:

- "There are factual inaccuracies in ... [CSCI's] evidence that are significant enough to have an impact on the judgements that form ...[the] overall

<sup>1</sup> Commission for Social Care Inspection, *Guidance for Providers: Inspecting for better lives-How to request a review of your quality rating* March 2008

<sup>2</sup> Ibid. p2

<sup>3</sup> Ibid. pp2-4

quality rating, and you remain dissatisfied following consultation with your local inspection team; or

- Judgements have not been made in line with the Key Lines of Regulatory Assessment for that type of service; or
- ...[CSCI] have come to a quality rating without using the rules described in the methodology; or
- ...the quality rating is unsound on the grounds that no reasonable person or body could have come to such a view given the evidence available.”<sup>4</sup>

The guidance makes it plain that a request for a review will not be accepted unless attempts have first been made to resolve the matter with the local inspection team. It should also be noted that the Commission will not accept as part of a request new evidence “not previously submitted to your inspector”<sup>5</sup>. What amounts to ‘new’ evidence is not entirely clear.

The time scales for making a review are as follows. After the 28 days allowed to complete discussions with the local inspection team a further 7 days are allowed for

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providers to make a formal request. The request must be set out on a standard form produced by the Commission and copies can be printed off from their website. A receipt acknowledging the request will be sent within 3 working days. If the request is not accepted the QRRS team will write again within 7 days confirming their refusal to review. CSCI have 28 days in total to consider the request and complete a review where considered necessary. If there is a delay beyond CSCI’s control in this time frame, they will let providers know.<sup>6</sup>

It should be noted that any review carried out by the QRRS is completed by an internal arm of CSCI and not an independent body. Some providers may be concerned about the lack of an independent review. There is no machinery for challenging the outcome of a QRRS review; it is in effect the end of the line subject to any public law grounds for seeking a judicial review of the decision. That is however, not an easy option to pursue. We suspect that in reality most disputes will probably be resolved at either the local level or through the QRRS without the need to proceed further. Furthermore, if CSCI wish to take enforcement action such as a proposal to cancel registration, this would give rise to the statutory right of an appeal to the Care Standards Tribunal.

## Independent safeguarding authority

It has been announced by the Home Office that with effect from 12 October 2009, individuals will need to register with the independent safeguarding authority if they are to work with children and/or vulnerable adults in a regulated activity. There will be a one-off fee of £64 (including the CRB disclosure fee).

Going forward the CRB will continue to provide details of a person’s criminal record but it will also be a one-stop shop to access the ISA check.

Further information is available on the following website:

<http://www.crb.gov.uk/Default.aspx?page=5025>

<sup>4</sup> Ibid. p.4

<sup>5</sup> Ibid.

<sup>6</sup> Ibid. pp.5-6