

Response issued under the Freedom of Information Act 2000

Our Reference: CQC IAT 2013 0065

Date of Response: February 2013

Information Requested:

“Would you be kind enough to answer the following questions through the FOI Act.

1) On how many occasions during 2012-2013 did CQC inspectors write to the LINK in the area of a forthcoming inspection in England, to request data to support the inspection they were about to undertake?

2) What was the total number of inspections carried out in England during 2012-2013 by CQC inspectors?

3) How many visits were undertaken in each NHS ambulance service in England by CQC inspectors during 2012-2013?

4) In the case of each NHS ambulance service inspected in England, on how many occasions did CQC inspectors contact LINKs and other patient organisations prior to the visit to gather data to support their inspection.”

The Freedom of Information Act 2000

At this stage of our response it may be helpful to explain to you the purpose of the Freedom of Information Act 2000.

The purpose of the Act is to ensure transparency and accountability in the public sector. It seeks to achieve this by providing anyone, anywhere in the world, with the right to access any recorded information held by, or on behalf of, a public authority.

A disclosure under the Act is described as “applicant blind” meaning that disclosure under Freedom of Information is a disclosure into the public domain not to any one individual.

Your request for information

The Information Access team have processed your request and we can confirm that we have consulted with our colleagues from our Intelligence and Regulatory Development directorates.

CQC does hold some recorded information which will enable us to respond to parts 2 and 3 of your request however we are not able to answer parts 1 and 4.

Firstly, we will respond to parts 2 and 3 of your request:

"2) What was the total number of inspections carried out in England during 2012-2013 by CQC inspectors?"

As of the 6 February 2013, there have been 27,962 reviews (inspections) undertaken in the financial year 2012/13.

"3) How many visits were undertaken in each NHS ambulance service in England by CQC inspectors during 2012-2013?"

As of the 6 February 2013, of the ten NHS ambulance trusts registered with CQC, there have been eight which have been subject to an inspection visit in the financial year 2012/13 with nine inspection visits in total.

Parts 1 and 4 of your request

"1) On how many occasions during 2012-2013 did CQC inspectors write to the LINK in the area of a forthcoming inspection in England, to request data to support the inspection they were about to undertake?"

"4) In the case of each NHS ambulance service inspected in England, on how many occasions did CQC inspectors contact LINKs and other patient organisations prior to the visit to gather data to support their inspection."

We can advise you that CQC does not record the number of times that we write to each individual Local Involvement Network (LINK) and patient organisation in a central area or system therefore we would be not able to run a report to produce specific numbers to answer parts 1 and 4 of your request.

We can advise that it is very unlikely that CQC would write to a LINK in advance of any inspection as this may compromise the unannounced nature of the inspection.

We are not explicitly stating that in all instances of our inspections that CQC has never contacted a LINK in advance of that inspection however it is very unlikely due to the fact that the majority of our inspections are unannounced.

In terms of recording contact, it would be unlikely that CQC Compliance Inspectors or Managers will have stored specific e-mails or letters of correspondence to LINKs. However, they may have recorded that they spoke to a LINK or used a LINK's information on the evidence gathering section of the inspection record for the individual care location in question.

As a public authority we wish to be transparent and open about our work, but we have a statutory responsibility to use our resources effectively.

Section 2(3) of schedule 1 of the Health and Social Care Act 2008 states that *"It is the duty of the Commission to carry out its functions effectively, efficiently and economically."*

The Freedom of Information Act 2000 is not intended to place an excessive burden upon the resources of public bodies such as CQC.

As advised in our answer to part 2 of your request we can confirm there have been 27,962 reviews (inspections) in the financial year 2012/13.

The only way to determine whether CQC holds any recorded information detailing contact with a LINK (and has or has not contacted a LINK in advance of an inspection) would be to manually interrogate the records held for each of the 27,962 reviews (inspections).

A public authority, such as CQC, is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In calculating whether this appropriate limit is exceeded, regulation 4(4) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 requires that the time taken in responding to requests (locating, retrieving and extracting the information) must be calculated at a rate of £25 per person per hour.

We estimate to conduct such an exercise would vastly exceed the appropriate limit; currently £450 or 18 hours, as defined under regulation 3(3) of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

CQC does not consider conducting such a search and extraction of our records to be an effective and efficient use of our limited resources.

In accordance with section 12 of the Freedom of Information Act 2000, CQC chooses not to conduct such an exercise because of the high cost involved.

This response acts as a refusal notice in accordance with the Act.

In making the decision we have referred to guidance published on the Information Commissioner's Office website:

http://www.ico.gov.uk/for_organisations/freedom_of_information/guide.aspx

The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Advice and assistance

Under section 16 of the Freedom of Information Act 2000 public authorities such as CQC are required to provide reasonable advice and assistance to applicants.

If you are interested in a specific care location we may be able to review the records held for that individual location to determine whether any contact was made with a LINK prior to that specific inspection. Please let us know by reply if this would be of interest to you.

Although CQC are not able to fully answer parts 1 and 4 of your request we can provide some explanatory information as to the role of CQC and that of LINKs.

CQC and LINKs

CQC aims to have an ongoing relationship with each individual LINK through the local CQC Compliance Manager or Compliance Inspector.

LINKs can share information with CQC at any time through a number of different ways. These are:

- through our dedicated web form for local groups (such as a LINK)
<https://webdataforms.cqc.org.uk/Checkbox/localgroups.aspx>
- calling our 03000616161 telephone number
- e-mailing our National Correspondence team through
enquiries@ccq.org.uk
- Making contact with the local CQC Compliance Manager and or Compliance Inspector.

They can do this at any time whenever they have information they wish to share with CQC. In the preparation for an inspection, Compliance Inspectors are expected to consider what information is available from the local LINK and if need

be, to follow up with them if they have any additional or more recent information to add. We have produced specific guidance for our Compliance Inspectors titled *"Involving local involvement networks (LINKs) in compliance monitoring and enforcement action"*. This guidance describes how compliance teams work with LINKs throughout the year and involve them during and after an inspection. It highlights the key role of the Compliance Manager in making sure that their teams adopt a consistent approach to involving LINKs in monitoring compliance.

A copy of this guidance is enclosed for your information.

CQC works with many local groups to make sure that the views and opinions of people are heard. Each group caters to specific areas of care and ensures better practice around the country.

CQC has published information on our website about working with local groups which you may find of interest.

You can access the information via this link:

<http://www.cqc.org.uk/public/sharing-your-experience/working-local-groups>

We have also published information about how we involve people who use care services on our website:

<http://www.cqc.org.uk/public/sharing-your-experience/involving-people-who-use-services>

The tab titled "We work with local organisations" includes information about LINKs.

LINKs are groups of local people and community groups that work together to improve health and social care services in their area.

CQC has a statutory duty to work with LINKs across the country. We also run a national LINKs advisory group to guide our work. LINKs provide individuals the chance to give CQC feedback about what they have experienced in local care services.

Local Healthwatch will take on the work of LINKs when it launches in April 2013. Our local relationships with LINKs will remain in place until 31 March 2013. CQC are now working closely with Healthwatch England to co-ordinate our work with emerging local Healthwatch groups.

This is also a guide titled *"[How local involvement networks \(LINKs\) can work with the Care Quality Commission](#)"* which you can access by clicking above.

You may also wish to access our Annual Reports for the last three financial years, which contain some information referencing LINKs:

<http://www.cqc.org.uk/public/reports-surveys-and-reviews/reports>

We hope that you find the information we have provided useful.

CQC Complaints Procedure:

If you are not satisfied with the information that you have been provided then you may request a review of our handling of your information request.

If you do wish to request an internal review of your request please reply in writing stating your reason(s) for requesting the review.

Please be aware that this review process will focus upon our handling of your information request and should not be used to raise further concerns about the provision of care or the internal processes of other CQC functions.

If you are unhappy with other aspects of CQC's actions, or of the actions of registered providers, please see our website for information on how to raise a concern or complaint:

<http://www.cqc.org.uk/contact-us>

Internal Review of your Freedom of Information request:

To request a review please contact:

Legal Services & Information Rights
Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

information.access@cqc.org.uk

Further rights of appeal exist to the Information Commissioner's Office under section 50 of the Freedom of Information Act 2000 once the internal appeals process has been exhausted.

The contact details are:

Information Commissioner's Office
Wycliffe House

Water Lane
Wilmslow
SK9 5AF

Telephone: 01625 545 745

Website: <http://www.ico.gov.uk/>