

Minh Alexander
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15 January 2016

Our Ref: CQC IAT 1516 0674

Dear Dr Alexander

Thank you for your correspondence of **15 December 2015** in which you asked for information about 'section 48 investigations' conducted by CQC.

You asked:

"1) How many Section 48 investigations CQC has carried out since its inception?

2) How many of these investigations have been instigated by CQC itself and how many were carried out at the Secretary of State's request?

3) Please provide a breakdown of the types of services that CQC's investigations have related to (Acute hospital trusts, community trusts, mental health trusts, ambulance trusts etc...)

4) How many of the investigations related to Foundation Trusts?

5) Has CQC published all of its reports of these investigations and please could it provide the links to the published material?"

Section 48 of the Health and Social Care Act 2008 grants CQC the power to conduct a special review or investigation. We must conduct a special review or investigation if requested to do so by the Secretary of State for Health, but CQC may also decide to conduct a special review or investigation without being requested to do so by the Secretary of State.

The Act does not provide a definition that makes a distinction between special reviews and investigations. CQC does not have a policy or guidance that makes such a distinction, nor are our records held in a way that enables identification and separation of material to cover investigation activity only. For this reason, it is not possible to make a definitive distinction between 'special reviews' and 'investigations' and therefore we are providing you with a response covering all of our activity under section 48..

We can confirm the following work by CQC using our section 48 powers were referred to in the reports as 'investigations'.

University Hospitals of Morecambe Bay NHS Foundation Trust

In July 2012 we undertook a section 48 investigation into University Hospitals of Morecambe Bay NHS Foundation Trust. Our published report can be found here: www.cqc.org.uk/sites/default/files/20120613_rtx_university_hospitals_of_morecambe_bay_nhs_foundation_trust_investigation_report.final_for_publication_0.pdf

We also conducted a follow up to our investigation, at the same Trust in September 2013. Our published report can be found here: www.cqc.org.uk/sites/default/files/20130911_uhmbt_s48_final_for_publication_1.pdf

Barking, Havering and Redbridge University Hospitals NHS Trust

In October 2011 we undertook a section 48 investigation into the Barking, Havering and Redbridge University Hospitals NHS Trust. Our published report can be found here: www.cqc.org.uk/sites/default/files/documents/20111026_bhrt_investigation_report_final_0.pdf

United Lincolnshire Hospitals NHS Trust

In October 2011 we undertook a section 48 investigation into United Lincolnshire Hospitals NHS Trust. Our published report can be found here: www.cqc.org.uk/sites/default/files/documents/20111031_ulht_report_final.pdf

We also conducted a follow up to our investigation, at the same Trust in March 2013. Our published report can be found here: www.cqc.org.uk/sites/default/files/old_reports/20130321_ulht_investigation_report_-_final_for_publication.pdf

Take Care Now

We were asked in June 2009 to review the out-of-hours GP arrangements in relation to Take Care Now by NHS East of England. Our published report can be found here: www.cqc.org.uk/content/care-quality-commissions-investigation-gp-out-hours-provider-take-care-now-reveals-serious

This gives a figure of six investigations (including follow-up investigations), relating to four provider organisations. Three of those organisations are NHS acute Trusts (of which, one is a Foundation Trust), the fourth is an out of hours primary care service.

None of these investigations were requested by the Secretary of State.

CQC also published an investigation [report](http://www.cqc.org.uk/content/care-quality-commission-publishes-investigation-report-west-london-mental-health-nhs-trust) relating to West London Mental Health NHS Trust in 2009 (<http://www.cqc.org.uk/content/care-quality-commission-publishes-investigation-report-west-london-mental-health-nhs-trust>). This investigation was begun by our predecessor body the Healthcare

Commission, prior to the commencement of the Health and Social Care Act 2008 and therefore not under section 48.

Uses of CQC's section 48 powers to review themes in health and social care are published on our website here:

<http://www.cqc.org.uk/content/themes-health-and-social-care>

This page lists the ongoing reviews and also provides the reports for completed reviews. All of these reviews are thematic, rather than looking at an individual provider organisation.

CQC is also currently conducting a review of paediatric cardiac case notes at University Hospitals Bristol NHS Foundation Trust using our section 48 powers. Sir Bruce Keogh (Medical Director of NHS England) asked CQC to conduct this review alongside the independent [Bristol Review](#).

The only work under section 48 that has been formally requested by the Secretary of State for Health, to date, is that CQC conduct the Review of the Security of Patient Records. The report for this review will be published shortly and you can find more information about it here:

<http://www.cqc.org.uk/content/data-security-review>

CQC has published reports for all of our completed investigations under section 48. We are required by law to do so.

I hope that this response is helpful to you.

Feedback

CQC will always endeavour to provide the highest quality responses to requests for information and seek to provide responses that are as helpful as possible. We would therefore appreciate if you can complete our online feedback form by visiting the following website:

<http://webdataforms.cqc.org.uk/Checkbox/InformationAccessFeedback.aspx>

Any information you provide will be held securely and only used for the purposes of improving the Information Rights service that CQC provide.

If you have any queries please do not hesitate to contact the team, on the telephone number provided, quoting our reference number.

Yours sincerely

Russell Wynn
Senior Information Access Officer
Legal Services and Information Rights
Care Quality Commission