

Response issued under the Freedom of Information Act 2000

Our Reference: CQC IAT 1718 0550

Date of Response: 12 December 2017

Information Requested:

“1) Please advise if CQC has an internal policy or guidance for its inspection staff on when and how to conduct inspections at night, and please provide a copy of the relevant documents if they exist.

2) What does CQC define as an inspection at ‘night’?

3) Please advise in the last two years, how many inspections has CQC carried out at night, and what proportion of all inspections does this represent?

4) How many of the night inspections were conducted on care homes and how many of the inspections were conducted on NHS facilities?

5) The Royal College of Nursing advised in 2012, based a on large scale survey of members, that CQC should establish an equal balance between night and day unannounced inspections. Did CQC respond formally to this recommendation, and if so please provide a copy of CQC’s reasons for acting or not acting upon the recommendation.”

The CQC Information Access team has considered and coordinated your request in accordance with the Freedom of Information Act 2000 (FOIA).

Our main obligation under the legislation is to confirm whether we do or do not hold the requested information.

In accordance with section 1(1) of FOIA we are able to confirm that CQC does hold some recorded information in relation to this matter.

The purpose of FOIA 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 recorded information held by, or on behalf of, a public authority.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

Public authorities spend money collected from taxpayers, and make decisions that can significantly affect many people's lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed and more productive.

The main principle behind FOIA is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

A disclosure under FOIA is described as "applicant blind" meaning that it is a disclosure into the public domain, not to any one individual.

This means that everyone has a right to access official information. Disclosure should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by FOIA.

An applicant does not need to give a reason for wanting the information. On the contrary, the public authority must justify refusing the information.

Public authorities are required to treat all requests equally, except under some limited circumstances. The information someone can access under FOIA should not be affected by who they are, whether they are journalists, local residents, public authority employees, or foreign researchers.

We will now respond to each of your requests for information having consulted with our inspection colleagues.

"1) Please advise if CQC has an internal policy or guidance for its inspection staff on when and how to conduct inspections at night, and please provide a copy of the relevant documents if they exist.

2) What does CQC define as an inspection at 'night'?

We do carry out inspection out of hours; however all Inspectors use the same guidance and methodology as those undertaken within daylight working hours.

Please see link below to our website for further details on the lines we take on Inspections

www.cqc.org.uk/what-we-do/how-we-do-our-job/what-we-do-inspection

As such we do not have any specific guidance or a definition of what comprises "at night" for the purposes of an inspection.

3) Please advise in the last two years, how many inspections has CQC carried out at night, and what proportion of all inspections does this represent?

Please see the data spreadsheet attached which shows the number of night time inspections that have been conducted.

In the period requested there are 836 recorded night time inspections against an overall figure of 54,495 recorded inspections.

4) How many of the night inspections were conducted on care homes and how many of the inspections were conducted on NHS facilities?

Please refer to the spreadsheet which provided details of recorded inspections during the day and and at night across the various sectors.

5) The Royal College of Nursing advised in 2012, based a on large scale survey of members, that CQC should establish an equal balance between night and day unannounced inspections. Did CQC respond formally to this recommendation, and if so please provide a copy of CQC's reasons for acting or not acting upon the recommendation."

We have considered the written evidence submitted by the RCN to the Health Committee accountability hearing with CQC in July 2012.

It is noted that the RCN suggested "the CQC should regularly review how often they undertake an unannounced inspection, what times of day they inspect (early morning, day, evening, night time), what enforcement powers they use, and how their staff are supported to deliver that challenging remit"

There were no specific questions put to CQC by the Committee and therefore no response to those comments was required.

Advice and assistance

Under section 16 of the Freedom of Information Act 2000 (and in accordance with the section 45 code of practice) we have a duty to provide you with reasonable advice and assistance.

If you need any independent advice about individual's rights under information legislation you can contact the Information Commissioner's Office (ICO).

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.

The contact details for the ICO are detailed below.

There is useful information on the ICO website explaining how individuals can access official information:

www.ico.org.uk/for-the-public/official-information

CQC Complaints and Internal Review procedure

If you are not satisfied with our handling of your request, then you may request an internal review.

Please clearly indicate that you wish for a review to be conducted and state the reason(s) for requesting the review.

Please be aware that the review process will focus upon our handling of your request and whether CQC have complied with the requirements of the Freedom of Information Act 2000. The internal review process should not be used to raise concerns about the provision of care or the internal processes of other CQC functions.

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

www.cqc.org.uk/contact-us

To request a review please contact:

Information Access
Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

E-mail: 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 Helpline: 01625 545 745
Website: www.ico.org.uk