

# CQC INSPECTION REPORTS: TO CHALLENGE OR NOT TO CHALLENGE?



Care providers are frequently confronted with the situation that their draft inspection report is not as expected. When this happens to you, what should you do?



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First of all, don't panic. You will no doubt experience feelings of dread but in order to figure out how to manage the situation, you will need to look at it objectively. Bear in mind that **CQC inspectors** frequently come to negative conclusions based on fairly minimal evidence. If that isn't bad enough, a downgrading in one domain (safe or effective) will usually give rise to a downgrading of the rating in well-led too. Furthermore, a proposed negative rating doesn't necessarily mean that you run a poor service. We are seeing more and more good providers being hit with bad ratings. Over the past year, negative ratings have been on the increase.

Once you have taken a deep breath, go through the draft report in detail to see if it is accurate. Highlight anything you disagree with and then ask yourself why you disagree with it. If a point is not factually accurate or if the conclusions in the report do not follow from the evidence, then it may be worth challenging. If you have a strong feeling that the draft report is incorrect, it usually means it is worth examining further.



It may help to discuss the matter with someone else. As social care lawyers, we often look at draft reports with our clients and discuss whether they are worth challenging. Sometimes, we will tell you that it isn't worth powder and shot. Other times, however, we will recommend a challenge or a limited challenge to one or two domains. If you do want to speak with a lawyer, then don't waste any time. You only have 10 working days in which to submit your challenge and CQC are taking a hard line on granting extensions.

You should also consider other factors. What were the previous ratings for the service? If you've always had good ratings, you may be in a better position to challenge the findings than if you've received repeated negative ratings. Also bear in mind that CQC look at ratings in a cumulative fashion when deciding what sort of compliance action to take. If you have received negative ratings repeatedly, they are more likely to take compliance action, such as issuing a warning notice or Notice of Proposal (NOP) that affects your registration. If you are faced with that sort of action, then you should speak with a lawyer and take a holistic approach to managing your relationship with CQC. Every case should be considered carefully based on its particular circumstances.



In sum, you should try to take an informed and objective view about whether or not to submit a factual accuracy challenge. Consider the evidence and consider your situation in the round. The most effective challenges are based on evidence. You will need to persuade the inspector that you are correct. Persuasion, rather than confrontation, will generally get you a better result.

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