

CQC Notifications - Policy

Aim

Ormerod aims to ensure that it meets its responsibilities to notify the Care Quality Commission (CQC) of incidents, events and changes that affect the service or the people using it.

Background

Ormerod recognises that Regulations 12, 14, 15, 16, 17, 18, 20, 21 and 22 of the Care Quality Commission (Registration) Regulations 2009 require us to notify CQC about certain incidents, events and changes that affect the service or the people using it.

It is an offence not to notify CQC when a relevant incident, event or change has occurred.

Ormerod is committed to fully complying with the above regulations. The procedures below provide details of how we propose to ensure compliance in practice.

Applicable legislation and guidance

- Health and Social Care Act 2008 (Regulated Activities Regulation) 2014
- Care Quality Commission (Registration) Regulations 2009
- Mental Capacity Act 2005
- Mental Health Act 1983
- Data Protection Act 1998
- *Statutory notifications: guidance for registered providers and managers of: independent healthcare, adult social care, primary dental care, private ambulances, CQC, April 2005*

Policy

Application and penalties for failure to comply or contravention

This policy details how Ormerod will meet its legal obligations regarding notifications. This policy applies to the registered person and any other person to whom this responsibility has been delegated.

If any person who has responsibility under this policy fails to carry out their responsibilities, this will be regarded a breach of their contract of employment and may result in action being taken under Ormerods disciplinary and grievance procedures.

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A contravention of, or failure to comply with any of the provisions of the Care Quality Commission (Registration) Regulation 2009, Regulations 12 and 14 to 20 is an offence. A person guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale (£2,500). The CQC has the power to offer a fixed penalty notice, in which case the monetary penalty will be;

- £1,250 if the offence is committed by a service provider.
- £625 if the offence is committed by a registered manager.

What needs to be notified?

- Regulation 12 – changes to the statement of purpose.
- Regulation 14 – absence of the registered manager for more than 28 days.
- Regulation 15 – changes to the management of the care provider.
- Regulation 16 – death of a service user.
- Regulation 17 – notification of death or unauthorised absence of a service user who is detained under the Mental Health Act 1983.
- Regulation 18 – Notification of other incidents. **
- Regulation 20 – Duty of candour apology
- Regulation 21 – Death of a service provider
- Regulation 22 – Appointment of liquidators

**** Notification of other incidents;**

An injury to a service user has resulted in:

- I. An impairment of the sensory, motor or intellectual functions of the service user which is not likely to be temporary.
- II. Changes to the structure of a service users body.
- III. The service user experiencing prolonged pain or prolonged psychological harm.
- IV. The shortening of the life expectancy of the service user.

Any injury to a service user that requires treatment by a health professional in order to prevent;

- I. The death of the service user.
- II. An injury to the service user which if left untreated, would lead to one or more of the injury outcomes mentioned in the paragraph above.

Any abuse or allegation of abuse in relation to a service user.

Any incident which is reported to, or investigated by police.

Any event which prevents or appears to the service provider to be likely to threaten to prevent the service providers ability to continue to carry out the regulated activity safely, or in accordance which the registration requirements including;

- I. An insufficient number of suitably qualified, skilled and experienced persons being employed for the purposes of carrying on the regulated activity
- II. An interruption in the supply to premises owned or used by the Ormerod for the purpose of carrying on the registered activity of electricity, gas, water or sewerage where that interruption has lasted longer than a continuous period of 24 hours.

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III.	Physical damage to the premises owned or used by Ormerod for the purposes of carrying on the regulated activity which has, or is likely to have a detrimental effect on the treatment or care provided to the service users.
IV.	The failure, or malfunctioning, of fire alarms, or other safety devices in premises owned or used by Ormerod for the purposes of carrying on the regulated activity where that failure or malfunctioning has lasted longer than a continuous 24 hour period.

Submitting notifications

The regulators say that the ‘registered manager’ must submit notifications. This task can be and has been delegated to appropriate members of staff. The following members of staff have been delegated to submit notifications within Ormerod;

Name	Job Title
Michelle Riches	Acting Operations Manager / Service Manager
Linda Spencer	Service Manager
Wendy Magee	Service Manager
Karin Parkes	Service Manager
Steve Donnelley	Service Manager
Simone Sterry	Acting Service Manager / TM3
Gillian Satterthwaite	Acting Service Manager / TM3

It is the registered managers responsibility to ensure that notifications are made, and they will be committing an offence if they fail to do so. The arrangements above for delegating this task must be made within required timescales.

Record keeping

A log must be kept of all notifications that have been submitted. The manager delegated to submit the notification should complete *Form – CQC notifications analysis*. This log will remain in a file in the registered managers office.

Training for persons responsible for submitting notifications

The registered manager and any other person to whom the responsibility for submitting notifications is delegated will be provided with appropriate training. The content of the training will include;

- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- Care Quality Commission (Registration) Regulations 2009
- Requirements to submit a notification.
- Timescales
- How to submit a notification

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- Assigning unique codes to people who use the service
- Post training assessment of knowledge and competence.

The training will be certified once the person has undertaken it and successfully completed the assessment of knowledge and competence. This certificate will remain valid until;

- Changes in current legislation
- Errors or omissions in the submission of required notifications occur
- Notifications are submitted when they are not required
- Ormerod considers it appropriate to arrange refresher training

In the above circumstances, the people to whom responsibility for submitting notifications has been assigned will be required to undertake refresher training, including an assessment of knowledge and competence.

Submitting extra information about a notified event

If it is necessary to submit further information about a notification, for example a safeguarding alert, this can be done in the same manner as the original notification. It is important to always quote the reference number that was assigned to the original notification when contacting CQC to discuss the notified event or to provide more information. Some notification forms are designed to enable submission of follow on information to previous notifications. In this case, the reference number for the original notification must be quoted in the space provided for it.

Medication errors

There is no requirement to notify CQC of any medication errors, but a notification would be required if the cause or effect of a medication error met the criteria to notify one of the following;

- A death (Regulation 16)
- An injury (Regulation 18)
- Abuse or an allegation of abuse (Regulation 18)
- An accident or incident reported or to or investigated by police (Regulation 18)

Where relevant, it should be made clear that a medication error was a known or possible cause or effect of the incidents or events being notified.

Management Duties

All managers in the organisation have a duty to;

- Ensure this policy is operated throughout the organisation at all times.
- Regularly audit the use of this policy and the effectiveness of notifications procedures and initiatives.

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Staff Duties

All staff in the organisation have a duty to;

- Always act in full compliance with this policy in reporting accidents, incidents and concerns
- Attend appropriate training.

General staff training

Ormerod will provide training and guidance on accident and incident reporting including the notification policy during induction training.

Applicability and scope

This policy applies to all staff and volunteers working in or for Ormerod without exemption. All staff are responsible for ensuring that they work within the remit of this policy and in the manner in which they have been trained.

Associated policies and procedures

- Accident and incident reporting

Responsibilities

Responsibility for implementing, monitoring and reviewing this policy lies with the service provider.