The CQC Web of Deceit Continues.

By Eileen Chubb © May 2017

In June 2014 we were contacted by an elderly resident of a care home who raised serious concerns, the person also said they had previously contacted the CQC but nothing had happened. They asked if I could contact CQC and I wrote to David Behan asking for immediate action.

Within a short time I was contacted by the caller again and was told that because she was raising concerns she being evicted from the home. I again informed David Behan and was told that this was treated as a serious concern.

The issue of evictions and visiting restrictions was an issue we have seen for many years but which was becoming an increasing problem over time. Our evidence showed that this was becoming an unscrupulous tactic being used against families and individuals who raised concerns.

We then wrote to the secretary of state highlighting the fact we were seeing dozens of cases where evictions and restrictions were taking place and emphasised that in all these cases the CQC had been informed by the individuals affected. We used two case examples to demonstrate the type of situations we were being contacted about.

The Minister’s office was of the opinion that CQC should investigate these issues.

Our work on this issue can be found on the following links

http://compassionincare.com/sites/default/files/breakingsilence/Hunt%20Relative%20Retribution.pdf
http://compassionincare.com/node/284
http://compassionincare.com/node/270

We highlighted the issue by working closely with the media which resulted in private eye articles and then in 2016 the issue was covered by the BBC Victoria Derbyshire programme and we were contacted by hundreds of families who had been affected. The programme was picked up by all the national press. It was the number one story on the BBC website. The day after the programme CQC published guidelines about evictions and restrictions and appeared on BBC Radio 4, You and Yours programme.

But the true stance of CQC on this issue has only just been revealed by a series of emails, what the CQC say publicly is contradicted by what action they took when informed an eviction was taking place “The expectation is that the provider is acting lawfully.”

The following internal CQC emails were obtained via a Subject Access Request to the CQC. (Special thanks to Niels Ladefoged, film biographer)
Please note that the other cases brought to CQC attention are still unresolved.

I also note email number 4. Andrea Sutcliffe says “It doesn’t sound quite right. If someone has served an eviction notice that all we can do is say we will look at complaints in the future?”

At the April 2017 CQC board meeting the chair asked if there was a definitive description of a whistle-blower. I would describe a whistle-blower as a worker who knows something is not right but refuses to go along with it. Andrea Sutcliffe knew the action the CQC were taking on this eviction and knew it was not right but simply did nothing.
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From: Hughes, Adrian
Sent: 06 June 2014 16:57
To: Nendick, Nicky
Subject: FW: PGC6321 Eileen Chubb - Compassion in Care

Dear Nicky

You are getting a flood of these at present – is this one on our radar and is there something we should be doing while the letter is being drafted.

adrian

Adrian Hughes
Deputy Chief Inspector - Adult Social Care (South Region and Registration)
Care Quality Commission
adrian.hughes@cqc.org.uk

Mobile:
Personal assistant:

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From: Private Office Correspondence Unit
Sent: 06 June 2014 16:50
To: Hughes, Adrian; Safeguarding NCSC
Cc: 
Subject: POC6321 Eileen Chubb - Compassion in Care

Dear Team – Please log and action as appropriate.

Dear Adrian,

Please find attached a letter from Eileen Chubb at Compassion in Care to David Behan, which I have acknowledged.

Ms Chubb is writing in regards to [ ] who is a resident at [ ] Care Home in [ ] claims to have contacted CQC previously about [ ] concerns.
From: Sutcliffe, Andrea
Sent: 02 February 2016 07:38
To: Ivanova, Deborah
Subject: RE: Compassion in Care / Private Eye story - one to watch out for on Twitter tomorrow

Thanks Debbie

... Goodness only knows how Eileen Chubb has the unerring ability to spot these!

Thanks for the briefing

Andrea
Andrea Sutcliffe
Chief Inspector of Adult Social Care
Care Quality Commission
151 Buckingham Palace Road
London SW1W 9SZ
Tel: 
Email: andrea.sutcliffe@cqc.org.uk
Twitter: 
Executive Assistant:
Email: 
Tel no:

From: Ivanova, Deborah
Sent: 01 February 2016 19:17
To: Sutcliffe, Andrea
Subject: FW: Compassion in Care / Private Eye story - one to watch out for on Twitter tomorrow

Dear Andrea,

[redacted] has emailed me the following...

...
Dear Colleagues

Please see revised letter. We need to be careful not to over promise. The expectation is that the provider is acting lawfully.

adrian

adrian

Adrian Hughes
Deputy Chief Inspector
South Region and Registration
Adult Social Care Directorate
Mobile: [redacted]

Personal assistant: [redacted]

By post to:
CQC South Region
Citygate
Gallowgate
Newcastle Upon Tyne
NE1 4PA

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Dear Adrian

Andrea has seen this draft and hasn’t signed as she has further questions. She has stated:

"I'm not sure this does it for me – there may be more to it than you and Nicky know but it doesn't sound quite right. If someone has served an eviction notice that all we can do is say we will look at complaints in the future?"

Please could you consider Andrea's comments and provide a further draft using the attached template?

Many thanks Adrian

From: [Redacted]
Sent: 04 August 2014 09:59
To: Private Office Correspondence Unit
Subject: FW: POC6590 Eileen Chubb

Morning!

Here is Adrian's final draft reply ready for processing.

Thank you,

PA to Adrian Hughes – Deputy Chief Inspector Adult Social Care (South Region and Registration)
Adult Social Care Inspection Directorate
Care Quality Commission – South Region

By Post to:
CQC South Region
33 Golston Avenue
Bristol,
BS1 4UA

Telephone: [Redacted]
Internal: [Redacted]
Email: [Redacted]

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From: Hughes, Adrian
Sent: 04 August 2014 09:21
To: [Redacted]
Subject: FW: POC6590 Eileen Chubb

Dear [Redacted]

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From: [censored]
Sent: 17 July 2014 17:57
To: Hughes, Adrian
Cc: [censored]
Subject: POG0590 Eileen Chubb

Dear Adrian

Further to David’s response to Eileen Chubb regarding [censored] at [censored] in [censored] (all correspondence attached) Eileen Chubb has written again to inform us that there is now an eviction notice. Please could you provide a further DRAFT by 25 July?

Nicky wrote the previous reply and did include her details in our response.

Thanks Adrian

[Signature]

Senior Correspondence Officer to the Chief Executive
Private Office
Care Quality Commission
Finsbury Tower
103-105 Bunhill Row
London
EC1Y 8TG

Direct: [censored]
Ext: [censored]
Email: [censored]

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Please can you contact the private office correspondence and ask if they are dealing with this and have received a copy? It is important we know this has gone to the POC team.

Inspection Manager; London (Team 4 Bromley, Bexley, Greenwich) Adult Social Care Quality Commission Business Line:
Mobile:
Email:

By post to:
CQC London
Citygate
Gallowgate
Newcastle-upon-Tyne NE1 4PA

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---Original Message---
From: [redacted]
Sent: 11 February 2016 09:50
To: [redacted]
Subject: ENQ1-2465144359 - Compassion in Care challenges to Andrea Sutcliffe letter

Hi,

Attached, please find a letter from Compassion in Care - challenge to Andrea Sutcliffe letter regarding the [redacted] Nursing and Residential Centre. Please can you look at it and advice.

Regards,

Inspector of Adult Social Care
Care Quality Commission - London
Mobile phone: [redacted]
Phone: 03000 61 61 61
Fax: 03000 616171
Email: [redacted]

By post to:
CQC London
Citygate
Newcastle upon Tyne
NE1 4PA
Email: Enquiries@cqc.org.uk

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Information Access

From:
Sent: 11 February 2016 14:23
To: Private Office Correspondence Unit
Subject: FW: ENQ1-2465144359 - The Sidcup - Compassion in Care challenge to Andrea Sutcliffe letter 
Attachments:
- 20160208 ENQ1-2465144359 The Sidcup Nursing and Residential Centre Safeguarding Follow Up Information.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

Dear Colleague,

Attached, please find a letter from Compassion in Care - challenge to Andrea Sutcliffe letter regarding the Sidcup Nursing and Residential Centre.

Please can you let me know if you are dealing with this and are in receipt of a copy.

Kind regards,

[Signature]

Inspector of Adult Social Care
Care Quality Commission - London
Mobile phone: [Number]
Phone: 03000 61 61 61
Fax: 03000 616171
Email: [Email]

By post to:
CQC London
Citygate
Newcastle upon Tyne
NE1 4PA
Email: Enquiries@cqc.org.uk

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-----Original Message-----
From: [Name]
Sent: 11 February 2016 14:12
To: [Name]
Subject: RE: ENQ1-2465144359 - The Sidcup - Compassion in Care challenge to Andrea Sutcliffe letter
Hi
I know that the issue with [redacted] still needs resolving, and Debbie is speaking to her this afternoon. [redacted] needs to understand that given the Victoria Derbyshire and BBC News online media coverage this morning - that was fuelled by Compassion In Care and [redacted] (there's a tweet from Eileen Chubb saying how grateful she is that the producer listened to 'their' evidence) - this caused you and Your's to broadcast their piece earlier, which Andrea supported, and in the interests of now making this information available to people ASAP who will have been watching or listening to the programmes and needing advice for their own personal situations on the back of these programmes - we can't delay. It needs to happen today.
Hi both

From:  
Sent: 02 November 2016 13:40  
To: Sutcliffe, Andrea; Westhead, Deborah  
Subject: Information on visiting rights in care homes - plans to publish on our website ASAP today  

Tracking:  
Recipients:  
Sutcliffe, Andrea  
Westhead, Deborah  

Delivery:  
Delivered: 02/11/2016 13:40
Eileen said: “CQC’s statement does not give reassurance. They have enough teeth but no inclination to bite.” They are a ‘tick-box’ organisation.

This has been the top BBC news online story http://www.bbc.co.uk/news/health-37838745, and as a result of the significant interest this story has generated from this morning’s coverage, our planned piece with Radio 4’s You and Yours programme for tomorrow (Thursday) has now been brought forward to today – at 12:19 - http://www.bbc.co.uk/programmes/b006qpa9 Andrea will be supporting a live interview down the line from the NCAS conference and we will be covering Andrea’s messaging on social media.

We expect You and Yours to still major on our ‘visiting rights’ information publishing tomorrow – so Andrea we will explain why we have done this and what we hope it will achieve – but it’s clear from this morning’s earlier coverage that there are a lot of unhappy people experiencing unfair treatment by providers after raising concerns together with an imperfect system of how / who / what / when complaints of this nature are dealt with, and how many there are, so Andrea is prepared to be challenged more on these points also.

Let me know if you have any questions.

Best wishes,

Senior Media Officer
Care Quality Commission
CQC | 151 Buckingham Palace Road | London | SW1W 9SZ
Direct: | Mobile: | Press office mainline: | Out-of-hours: | Email: | Follow the media team on Twitter

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From: | Sent: 01 November 2016 19:19
To: | Subject: Victoria Derbyshire Programme tomorrow (Wednesday 2 November) - evictions and bans in care homes
Dear Mr Behan,
Thank you for your letter of June 19th, I have been contacted again by [redacted] who informs me she has been allocated a very helpful Social worker to help her find alternative care as unfortunately as a result of following the providers complaint process she has been served an eviction notice.

I am also informed that her circumstances are unchanged in spite of the concerns being reported. When so few people residing in care homes are able to raise concerns themselves surely when someone like [redacted] appeals for help at the very least that help should be provided.

Evicting someone in these circumstances must call into question the fitness of the provider.

I look forward to hearing what action you are taking on this matter.

Yours Sincerely

Eileen Chubb
Dear Ms Chubb,

Thank you for your letter of 9 July updating the CQC on the experience of [redacted] at [redacted]. As David Behan is currently out of the office I am responding to you on his behalf.

Our purpose is to make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve. Our role is to monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and we publish what we find.

I am concerned to hear that [redacted] has been served an eviction notice which is believed to relate to a complaint she made. In view of these circumstances I am pleased to note that [redacted] is now being supported by a social worker she describes as very helpful. Our expectation is that in arriving at a decision to terminate [redacted] with the home that the provider has considered all the factors. The social worker supporting her should be assured of this and if there are concerns about the legality of the decision then [redacted] should be supported to seek independent legal advice.

The local inspection team are aware of this matter and liaise closely with other agencies. We will continue to monitor the situation and our understanding is that [redacted] is being supported by the local authority. It is regrettable when a provider has arrived at a position when they can no longer provide a service but we would want to have evidence that the termination is managed with kindest and sensitivity.

I do value the information you have shared with us and if you would like to discuss this further, or have any further concerns about this home, please do not hesitate to contact Nicky Nendick, Head of Inspection for Adult Social Care, South West on 07789 875007 by email at Nicky.Nendick@cqc.org.uk.

Yours sincerely

Andrea Sutcliffe
Chief Inspector of Adult Social Care
To David Behan CQC

Dear Mr Behan,

I write on behalf of a resident in Care home, who has already contacted CQC who told her to contact safeguarding which she has on several occasions but no one has ever come back to her or carried out any investigation other than inform the care home of her concerns. The result of this has been the owners verbally abusing this lady and threatening her not to make further complaints.

The concerns relayed to safeguarding and the CQC however are of grave concern to me and include,

There are never enough staff on duty, most days only two staff members who are expected to work from 2pm to 9pm without taking any break at all.

Many good staff have left due to the harsh working conditions and these staff should be interviewed.

Care staff are expected to carry out cooking 2 out of every 3 meals resulting in poor hygiene and this lady has suffered serious food poisoning symptoms.

She has been verbally abused by some staff. Other staff are unable to speak English and any concerns raised with the owners result in further verbal abuse.

As this lady has internet access she has managed to obtain food supplies from outside the home. However this is not something other residents are able to do.

I expect that urgent action is taken and that suffers no further harm.
I also wish to know why such serious concerns were not acted on before now.

Yours Sincerely,

Eileen Chubb
Dear Ms Chubb,

Thank you for your letter of 22 May 2014 to David Behan, Chief Executive for the Care Quality Commission.

I would like to acknowledge receipt of your letter and a response will be with you shortly.

Thank you for writing to us.

Yours sincerely,

Vikash Dawda  
Business Co-ordinator  
Chairman and Chief Executive’s Private Office
Dear Ms Chubb

Thank you for your recent letter telling us of the experience of [redacted]. I was concerned and troubled by the concerns you were raising.

We are grateful that you took the time to alert us to the concerns which have been reviewed and I am pleased to confirm that appropriate action has been taken. Allegations of potential abuse have been promptly referred to the local authority safeguarding team and we have been made aware of the action taken. I understand from safeguarding colleagues that [redacted] was satisfied with their action and was willing to follow the provider's complaint process. I have also been made aware that all the necessary agencies are currently involved in ensuring [redacted] receives the appropriate care and support.

We do welcome information such as you have shared with us and we can add this information to what we already know about the service. This will help us to make judgements and target our work. In considering the information, how the situation has been managed and the involvement of the local safeguarding team, we have judged that we do not need to undertake an inspection at this stage. However, I will ask that the inspector takes into account the specific concerns you raise and makes both yourself and [redacted] aware of the outcome of the next inspection.

If you have any further concerns about this home, please do not hesitate to contact Nicky Nendick the head of inspection in the South West at nicky.nendick@cqc.org.uk or on 07789875907.

Thank you for bringing your concerns to our attention and I am pleased that [redacted] is being supported by the local safeguarding team and the provider is looking into her concerns.
Thank you for bringing your concerns to our attention and I am pleased that [REDACTED] is being supported by the local safeguarding team, and the provider is looking into her concerns.

Yours sincerely,

[Signature]

David Behan
Chief Executive
Dear [Name],

Please see the attached correspondence from Compassion in Care and our Minister. I have an idea that the cases referred to may be from some time ago. As I’ve no doubt you know, Eileen Chubb is a prominent campaigner against abuse in care (and to be fair, has contributed in no small way to pressure to do something about it), who worked at a BUPA home and who resigned from her job, together with 6 colleagues (they became known as the “BUPA Seven”) and campaigned to publicise abuse in the company’s homes.

As you can see, the Minister has replied to her and asked for permission to share the letter with you and to ask you to look into the cases it raises. She has consented. Could you follow up with Compassion in Care, please and let us know your findings?

Many thanks.

[Name]

From: [Name]
Sent: 02 January 2016 19:50
To: [Name]
Subject: Correspondence from Eileen Chubb

Hi [Name],

I’ve attached correspondence from Eileen Chubb which I believe you drafted, in which Ms Chubb raises a concern about the care of [Redacted] MS(cs) wrote back asking for permission to share the details of the case so that it could be shared with the CQC.

I wanted to make you aware that Ms Chubb wrote back to MS(cs) giving consent to share the details of the case and inviting him to meet with her, and she is likely to be invited to a roundtable that MS(cs) will host in January with groups who represent people who raise complaints about care.

Best wishes,

[Name]

[Name] Assistant Private Secretary, Rt Hon Alistair Burt MP
Minister of State for Community and Social Care

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With best wishes,

Debbie

Deborah Ivanova
Interim Deputy Chief Inspector
South Region

Sent with Good (www.good.com)

From: Ivanova, Deborah
Sent: 01 February 2016 18:06:05
To: Andrea, Sutcliffe; Andrea; Deborah
Cc: Deborah
Subject: RE: Compassion In Care / Private Eye story - one to watch out for on Twitter tomorrow

Thank you,

With best wishes,

Debbie

Deborah Ivanova
Interim Deputy Chief Inspector
South Region

Sent with Good (www.good.com)

From: Andrea
Sent: 01 February 2016 17:52:42
To: Sutcliffe, Andrea; Andrea; Deborah
Cc: Deborah Ivanova, Deborah
Subject: Compassion In Care / Private Eye story - one to watch out for on Twitter tomorrow

Hi Andrea,

On the back of similar stories we had in December, Compassion in Care have once again teamed up with Private Eye to highlight further cases about failing care homes and misleading reports on our website.

We expect this to feature in the latest issue of Private Eye – available in print from tomorrow in London and everywhere else by Wednesday.
The focus this time is on reports relating to Fountain Place Nursing Home, Alexander Heights Care Home and Hillcrest House – all in the Avon / Bath area and run by Avon Park Village Ltd.

Issues

1. Our news story in December 2015 says we rated Fountain Place Nursing Home and Alexander Heights Care Home as Requires Improvement but when you click on each of these links to go to the location page the last inspection report information is dated 2014.

2. Hillcrest House: According to the location’s profile page on our website, we published a report for this in June 2015 (after carrying out inspection here in January - which also seems quite a long delay) and gave an overall rating of Requires Improvement. However, there’s a muddle with some of our key question ratings – on the front cover of the report we say we’ve given a Good rating for Safe, but in the main content of the report, we have given Safe a rating of Requires Improvement.

Unfortunately we were unable to get to the bottom of the above in time to meet Private Eye’s deadline.

However, fore-seeing that we would not meet the deadline I did provide the following for inclusion to avoid a no comment line: “At the time of going to press CQC was looking into these cases further. If mistakes have been made with the publishing of inaccurate information, we will rectify this as quickly as possible.”

We can expect Eileen Chubb to make some noise on Twitter about the fact that all 3 homes have a history of poor care and this is just the tip of the iceberg in terms of inspection reports that are not accurately or clearly reflected on our website.

As with previous Private Eye queries we have been involved in on these issues, if we need to get involved on Twitter tomorrow, below are the messages I think are key here again:

- We are committed to making sure people have accurate and timely information about services.
- We are sorry this didn’t happen here and we are working to rectify this as quickly as possible.
- Services that are simply not getting any better will not go unnoticed.
- We provide clear timescales setting out what and when we expect this to be achieved.
- We will always take action to tackle poor care when we find it.