

Factual accuracy guidance

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1. What is the factual accuracy process?

- 1.1 The factual accuracy process is the opportunity for providers to challenge the accuracy and completeness of the information in the draft inspection report on which the ratings are based. Any factual accuracy comments that are accepted may result in a change to one or more rating.
 - 1.2 The factual accuracy process does **not** deal with complaints or representations or appeals in relation to proposed enforcement activity. Further information can be found at www.cqc.org.uk/content/enforcement-action-and-representations
 - 1.3 The factual accuracy process does **not** deal with complaints about CQC or the conduct of an inspection, which are handled by the National Complaints Team. It should be noted that the Complaints Team do not handle complaints about evidence and ratings from inspections or enforcement action as these should be raised via factual accuracy, rating review or representation processes. Further information can be found at <http://www.cqc.org.uk/content/complain-about-cqc>
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2. Why is the factual accuracy process important?

- 2.1 Inspection teams base their judgements on all the available relevant information, using their professional judgement. Inspectors do not need to reference, in the inspection report, all of the information obtained.
 - 2.2 The factual accuracy process gives inspectors and providers the opportunity to ensure that all relevant information that will form the basis of CQC's judgements is seen and considered.
 - 2.3 It ensures that the report is accurate (based on the position at the time of the inspection) and that judgements are proportionate.
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3. What types of comments can be submitted?

- 3.1 Providers may submit comments at the factual accuracy stage about the following:
 - Typographical or numerical errors (Category A)
 - Information in the report that the provider considers to be factually incorrect. Information in support of any assertion of inaccuracy must be provided (Category B)
 - Additional information regarding the position at the time of the inspection (for “completeness”) that addresses an issue not discussed in the draft report (but which the provider considers should be included in the report) or which the provider considers has an impact on a rating judgement (for instance, further examples of exemplary practice to support a rating of outstanding rather than good). Supporting information must be provided (Category C)
 - 3.2 The comments provided should be specific about the part of the report that a provider wishes to challenge. This will enable Inspectors to consider the information effectively and provide clear reasons in response.
 - 3.3 If a document is provided in support of a comment, the provider must specify precisely the wording in the document which provides the support and where in the document that wording is to be found (by reference to page and paragraph number). Where this does not occur, the Inspector should invite the provider to give the location of the relevant wording on the understanding that, if it is not given, the document may not be considered further.
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4. What are the time limits for a provider to submit information?

- 4.1 Once providers have received a copy of the draft report, they have 10 working days in which to submit relevant comments and information that may influence the content of the report and/or our judgements.
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5. How do providers submit information?

- 5.1 The cover letter sent with the draft report includes a form for providers to record relevant information (see Appendix A for an example form).
- 5.2 To ensure that CQC can carry out the factual accuracy stage effectively and efficiently, it is strongly recommended that providers use only the factual accuracy form to make and submit comments. Providers who do not use the form to make and submit comments are strongly advised not to PDF their response.
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6. How does CQC consider and respond to comments submitted?

- 6.1 Where CQC has information to support a point made in the report, it is entitled to rely on that information. If the provider disputes the point made, but without reference to supporting information as required by paragraph 3.1 above, the inspector will consider whether such information could reasonably be obtained and, if so, should seek such information from the holder of it. The inspector will, having considered the comments and any further information obtained, determine whether the report should be amended.
- 6.2 If changes are to be made to the factual elements of the report, the inspector will consider whether there is any impact on a judgement or rating(s) and explain any consequential changes.
- 6.3 Where the provider submits factual accuracy comments on the standard factual accuracy template provided, the inspector will record their reasons for accepting or not accepting each factual accuracy comment on that form. Where factual accuracy comments are submitted in other formats, the rationale for accepting or not accepting each comment will also be recorded in an appropriate format.

- 6.4 Responses to factual accuracy comments will be sent to the provider with the final inspection report, in the factual accuracy form, appropriate alternative format or within the accompanying letter.
- 6.5 All factual accuracy responses will be reviewed by another member of the Commission's staff from the relevant Inspection Directorate who is authorised to sign off the related inspection report. This staff member will be independent of the original site visit.

Examples

Primary Medical Services

- (i) The Inspection Manager reviewed the draft report before it was sent to the provider. The provider submitted a large number of comments in the factual accuracy process, which the Inspection Manager discussed with the Inspector, providing advice on further enquiries to be made and exploring the reasoning given for maintaining parts of the report as drafted. This process reflects what is envisaged by the process of 'review' under paragraph 6.5.
- (ii) A provider submitted comments about a draft report which were considered as part of a discussion by Inspection Managers from across the region in which the service was situated. This does not prohibit the reviewing Inspection Manager from conducting the review, provided that he or she is able to exercise their own judgement regarding the content of the Commission response and the final inspection report.

Hospitals

- (i) An Inspection Manager has attended the site visit and has been involved in discussions regarding potential enforcement action. The involvement in the site visit (on its own) means that the Inspection Manager must not carry out the review, in light of paragraph 6.5 above. The review must be carried out by another Inspection Manager who did not attend the site visit.
- (ii) A Head of Inspection was the designated Inspection Team Leader for the inspection of an NHS Trust, though was not in attendance during the site visit and no enforcement action has since been taken or is proposed. As delegation for the signing off of inspection reports in relation to NHS Trusts currently lies with a Deputy Chief Inspector, paragraph 6.5 will (regardless of circumstances) require a Deputy Chief Inspector to carry out the review.

Adult Social Care

- (i) An Inspection Manager provided advice to an Inspector by telephone during the inspection and subsequently signed a Warning Notice based on

the findings of the inspection. The provider submitted comments on the draft report, which the Inspector considered. The Inspection Manager had no other personal conflict of interest and therefore properly reviewed the comments on the draft inspection report and the draft CQC responses.

Appendix A – Example form (this forms part of the Draft Report cover letter)

Factual accuracy comments form

Please complete this form and return:

By email to: HSCA_Compliance@cqc.org.uk or

By post to: CQC ASC Inspections, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA

What does your challenge relate to?	Go direct to:
Typographical/numerical errors	Section A
Accuracy of the evidence in the report	Section B
Completeness of the evidence	Section C
Representations against a Warning Notice	Representations via email to HSCA_Representations@cqc.org.uk

Account Number:	
Our reference:	
Location name:	
Location address:	

Completed by (name(s))	
Position(s)	
Date	

Section A: Typographical / numerical errors in the draft report

Page No	Key Question e.g. Safe	Please set out any typographical or numerical errors e.g. Operations Director not Operations Manager If the same error occurs more than once, it is sufficient to identify the first occasion, adding "(throughout the report)".	CQC decision ✓ or X or Partial	CQC response

Section B: Other challenges to the accuracy of the evidence in the draft report

Page No	Key Question e.g. Safe	Please set out any other challenges to the accuracy of the information in the draft report (providing comment and information demonstrating the inaccuracy) and describe any impact on the rating(s). Challenges to the interpretation of information/importance attributed to the information should be included here.	CQC decision ✓ or X or Partial	CQC response If you agree to make amendments you must confirm any impact on breaches or the rating. If you choose not to make any amendments you must provide a rationale.

Section C: Additional relevant information that should be taken into account (“completeness”)

Page No	Key Question <i>e.g. Safe</i>	Please describe (and provide copies of) any supporting information which you consider should be taken into account in the report.	CQC decision ✓ or X or Partial	CQC response <i>If you agree to make amendments you must confirm any impact on breaches or the rating. If you choose not to make any amendments you must provide reasons.</i>

CQC use only

Responses prepared by (name)	
Role	
Date	
Responses reviewed by (name)	
Role	
Date	

Appendix Note: Hospital sector templates include an extra column for indicating the core service that an issue relates to.

Appendix B – Changes made to the guidance

Page / paragraph	Change made
1 / 1.1	Added text referring to the draft inspection report
1 / 1.2	Added link to further information about enforcement and representations processes
1 / 1.3	New – added text to clarify that complaints are not dealt with under factual accuracy process and to include link to CQC complaints process
2 / 3.3	New - clarifies that if providers submit a document in support of a comment they must specify exactly what the wording is and where (referring to the page and paragraph)
3 / 5.2	Advises providers not to PDF information if they are not using the form to submit comments
3 / 6.1 and 6.2	Paragraphs reversed from previous version, now clearer about following up if no supporting information has been provided
4 / 6.5	Clarifies the need for the reviewer to be the person responsible for signing off the report
4 and 5	Examples have been clarified