

## Guide to special measures

# NHS GP practices, GP out-of-hours services and other primary medical services

### What are ‘special measures’?

People who use services have the right to expect high-quality, safe, effective and compassionate care. Where care falls below this standard and is judged to be inadequate it is essential that the service improves quickly for the benefit of people using the service.

We want to ensure that services found to be providing inadequate care do not continue to do so. Therefore we have introduced special measures. The purpose of special measures is to:

- Ensure that providers found to be providing inadequate care significantly improve
- Provide a framework within which we use our enforcement powers in response to inadequate care and work with, or signpost to, other organisations in the system to ensure improvements are made.
- Provide a clear timeframe within which providers must improve the quality of care they provide or we will seek to take further action, for example to cancel their registration.

Services placed in special measures will be inspected again within six months. If insufficient improvements have been made such that there remains a rating of inadequate for any population group, key question or overall, we will take action in line with our enforcement procedures to begin the process of preventing the provider from operating the service. This will lead to cancelling their registration or to varying the terms of their registration within six months if they do not improve. The service will be kept under review and if needed could be escalated to urgent enforcement action. Where necessary, another inspection will be conducted within a further six months, and if there is not enough improvement we will move to close the service by adopting our proposal to vary the provider’s registration to remove this location or cancel the provider’s registration. Special measures will give people who use the service the reassurance that the care they get should improve.

We have tested our approach to special measures, working closely with NHS England since October 2014. We will continue to develop our approach to special measures. We will issue new guidance if our approach to special measures changes.

Special measures do not replace our existing enforcement powers: it is likely that we will take enforcement action at the same time as placing a GP practice, a GP out-of-hours service or other primary medical service in special measures. In some cases, it may be more appropriate to take urgent enforcement action rather than placing a service in special measures.

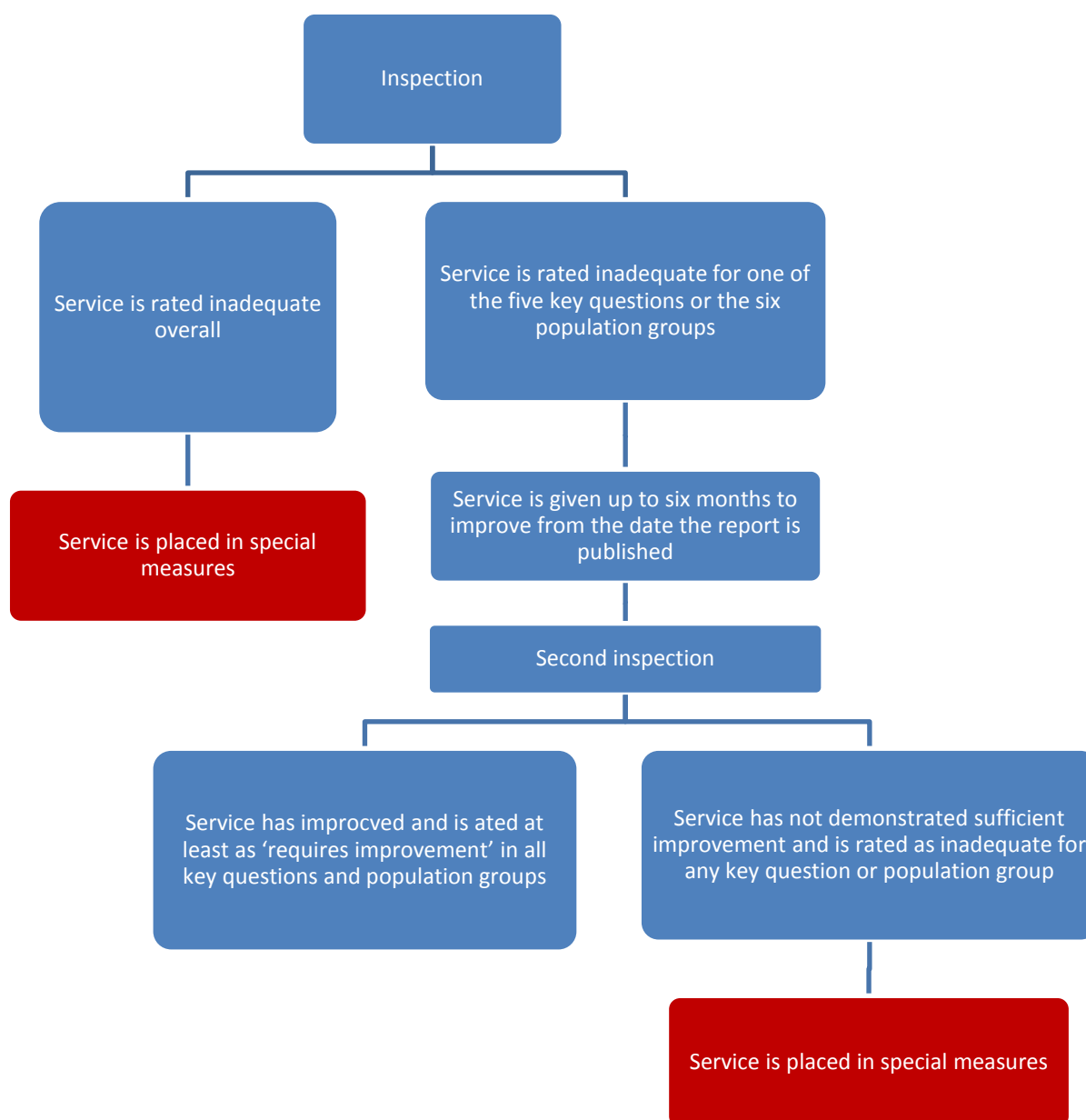
## Why do we place a service in special measures?

There are two routes into special measures (figure 1).

If a service is rated as inadequate overall it will be placed straight in special measures.

If a service is rated as inadequate for one of the five key questions or one of the six population groups it will usually have six months to improve. We will inspect it again within six months. If the service is rated as inadequate for a key question, or a population group at the second inspection, it will be placed in special measures.

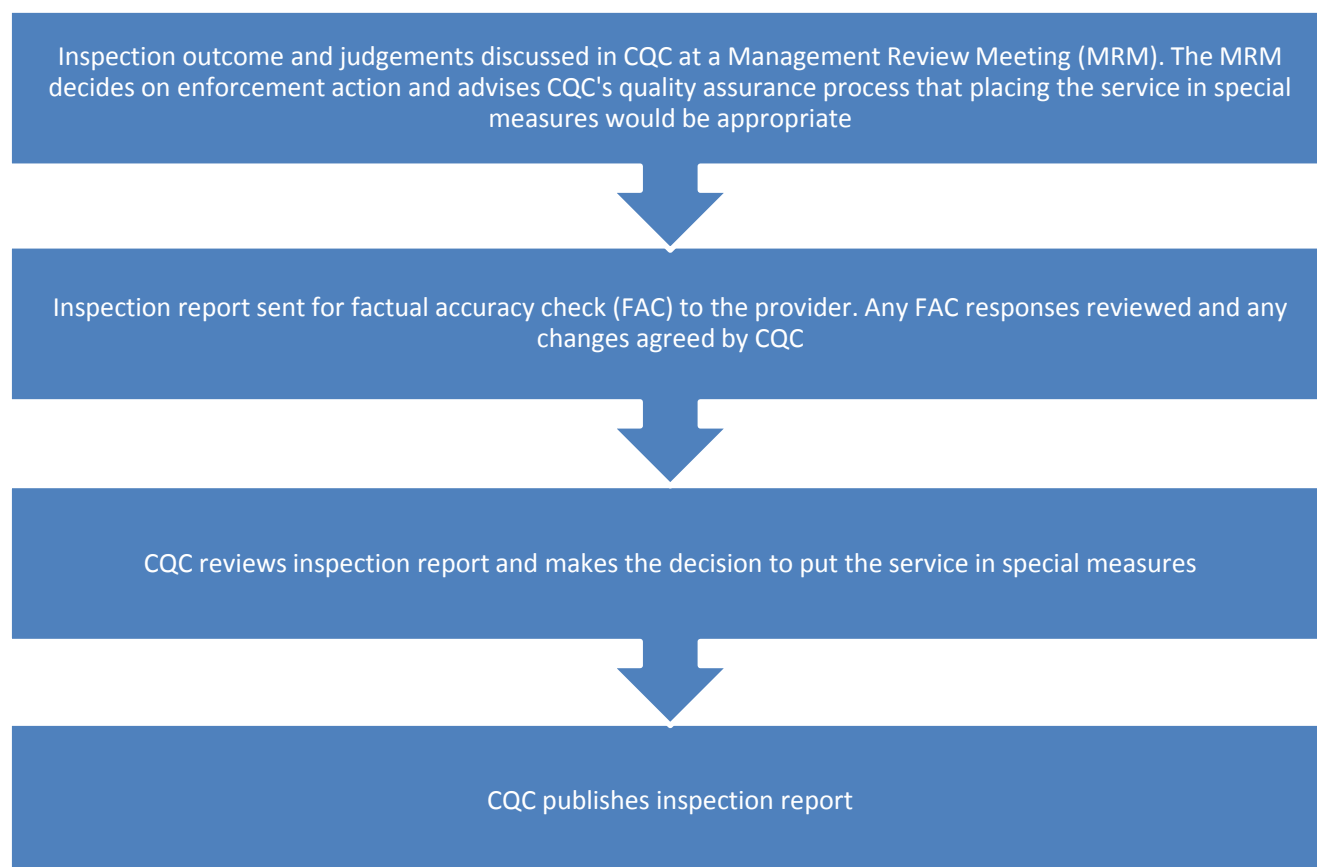
**Figure 1: Routes into special measures**



## How do we place an NHS GP practice, a GP out-of-hours services or other primary medical services in special measures?

It is CQC's decision whether to place a service in special measures. We will always do this following discussion with the relevant NHS England Area Team.

### Figure 2: Placing an NHS GP practice, GP out-of-hours services or other primary medical services in special measures



## How do we communicate our decision to place an NHS GP practices, GP out-of-hours services or other primary medical services in special measures?

Once a decision has been made to place a service in special measures we will inform the provider and the relevant NHS England Area Team before we publish the inspection report.

There will be a statement in the published inspection report to reflect our decision to place the service in special measures.

## How should people using the service be informed?

It is the provider's responsibility to inform patients of the service that it is in special measures. The NHS England Area Team will support the service to inform patients

through all reasonable means, including information in the waiting room, on the provider's website and on NHS Choices website, as well as in meetings with patients such as the patient participation group. Providers should follow CQC's [guidance on the display of ratings](#).

## **What will happen during special measures?**

The provider is responsible for the care that the service provides and for improving the quality and safety of services in response to CQC's judgements and ratings. When a service is in special measures it is the provider's responsibility to improve it.

NHS England has published guidance on how it will help GP practices to improve the quality of care provided.

At the start of special measures the service will work with the NHS England Area Team to draw up an action plan, which will be submitted to CQC. The NHS England Area Team will also support the service to complete a more detailed improvement plan and will then monitor progress against this, as well as help the service to identify additional sources of support. As well as supporting improvement, the NHS England Area Team will also consider any relevant contractual action.

From October 2014 to October 2015 the Royal College of General Practitioners will be working with NHS England to pilot a peer support programme which will provide expert support, mentoring and coaching for GP practices placed in special measures.

The clinical commissioning group (CCG) will support the process of improvement planning, and help to identify solutions and sources of support for the service. Further detail on this can be found in [NHS England guidance](#).

## **How do we use our enforcement powers alongside special measures?**

We will use special measures alongside our other powers, including [enforcement](#). Enforcement action allows us to protect people who use regulated services from harm or the risk of harm and to hold providers and individuals to account for failures in how they provide services.

It is likely we will also be taking enforcement action in NHS GP practices, GP out-of-hours services or other primary medical services that we put in special measures. This could include Warning Notices and imposing conditions of registration and this may require monitoring during the special measures period. In general, enforcement action will address individual issues which need to be addressed quickly to ensure that the service meets the fundamental standards. The aim of placing the service in special measures is that they make improvements that can be sustained in the longer term as well as addressing any short term failures.

## **Can providers challenge our decision to put a service in special measures?**

Registered persons have the right to make representations or an appeal against certain types of enforcement action. The representation and appeals process are detailed in our enforcement policy. In all cases CQC will follow the principles of our published [enforcement policy](#).

CQC offers providers the opportunity to request a review of their ratings. That review is not a statutory right of appeal, but a matter of CQC's policy. It is separate to the procedures for representations and appeals on enforcement and registration decisions.

A review may be requested on the grounds that CQC did not follow the published process for making ratings decisions and aggregating them. Providers cannot request reviews on the basis that they disagree with the judgements made by CQC, as such disagreements would have been dealt with through the factual accuracy checks and any representations about a Warning Notice, if one was served.

There is no right of appeal against special measures.

## **How long will an NHS GP practice, GP out-of-hours service or other primary medical service be in special measures before we inspect it again?**

We will normally carry out a further inspection within six months of the service being placed in special measures. This is six months from the date that we publish the inspection report. The length of this period will be decided at the same time as making the decision to place it in special measures.

There may be a small minority of cases where a service is placed in special measures and the next inspection is sooner than six months. This may be for the following reasons:

- Improvements have already been made, prior to putting the service in special measures and there is confidence that the service will continue this improvement.
- The service is planning significant changes which may alter the situation during the next six months, for example a change in leadership within the GP practice or a merger with another GP practice.
- As part of enforcement action or following up on enforcement action already taken.

This inspection will usually be a comprehensive inspection; it will not usually be limited to the areas that were previously rated as inadequate. Although in some cases we may carry out a focused inspection at this stage.

Special measures provide a time-limited framework within which providers of inadequate care must improve. For NHS GP practices, GP out-of-hours services and other primary medical services the overall timescales from being placed in special measures to the service being closed (if there is insufficient improvement) will usually be no more than 12 months. Services placed in special measures will be inspected again in six months. If insufficient improvements have been made, and there remains a rating of inadequate for any population group, key question or overall we will take action in line with our

enforcement procedures to begin the process of taking action to prevent the provider from operating the service. This will lead to cancelling their registration or to varying the terms of their registration within six months if they do not improve.

### **What are the criteria for an NHS GP practice, GP out-of-hours services or other primary medical service exiting special measures?**

If the service has demonstrated improvements and is no longer rated as inadequate for any of the five key questions or six population groups we will take it out of special measures.

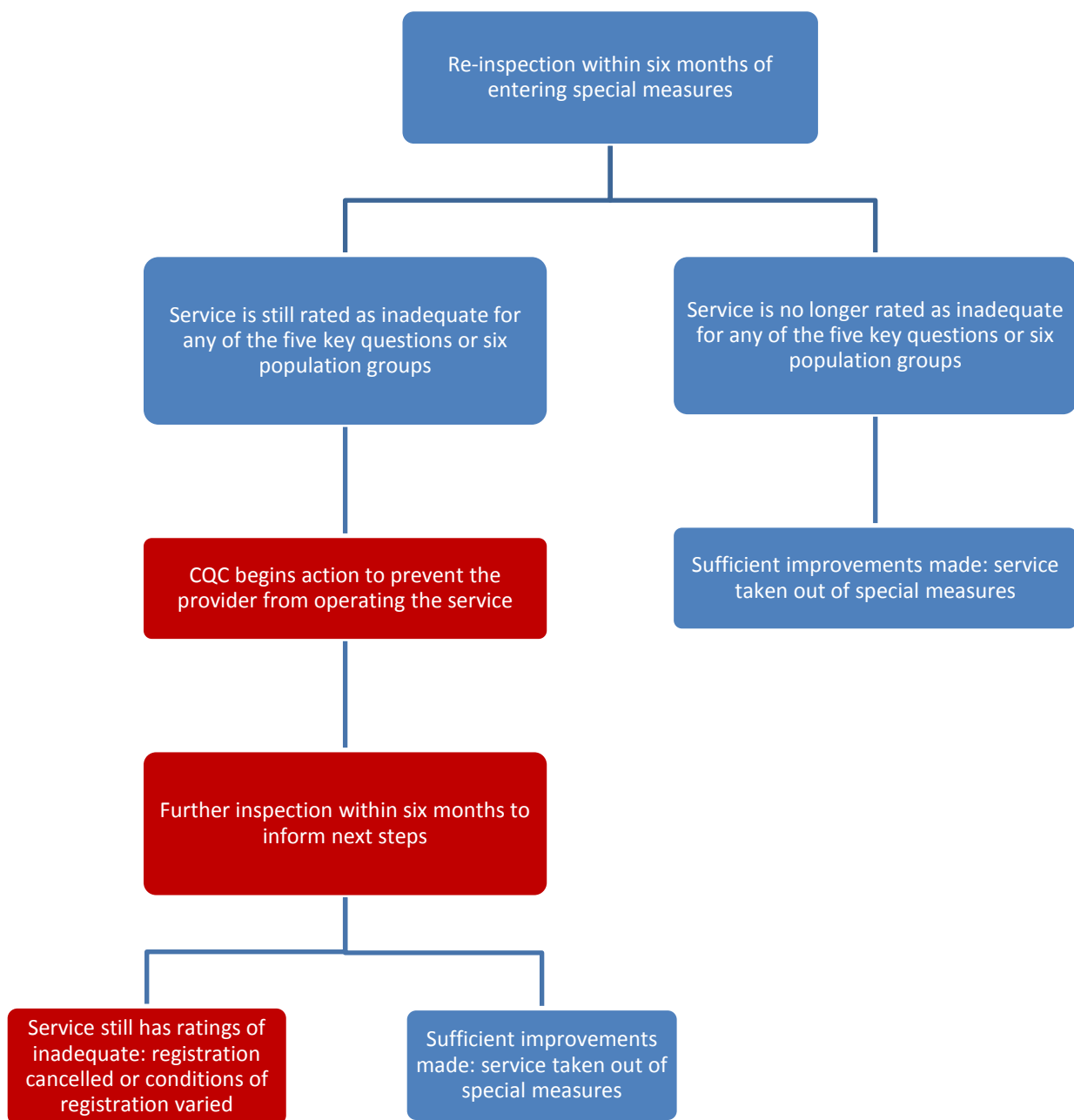
A service does not have to be rated as good to be taken out of special measures: there may still be areas that require improvement at this point and it is possible that there will be ongoing enforcement action. However, once the practice is out of special measures, this improvement and enforcement action will be monitored and reviewed through the usual processes in line with CQC's provider handbook and enforcement policy

If the service is rated as inadequate for any key question or population group at the inspection six months after being placed in special measures, we will begin the process of taking action to prevent the provider from operating the affected service, for example by proposing to cancel their registration or to vary the terms of their registration. In some instances we may do this urgently, depending on the circumstances we find, and the level of risk to service users.

Within six months of this second inspection, we will usually carry out a further inspection to determine whether it is appropriate to complete the process of varying or cancelling the provider's registration, with the result that the affected service will be closed. If there remains a rating of inadequate for a key question or a population group we will take this step. We will do this by issuing a Notice of Decision.

This is illustrated in figure 3.

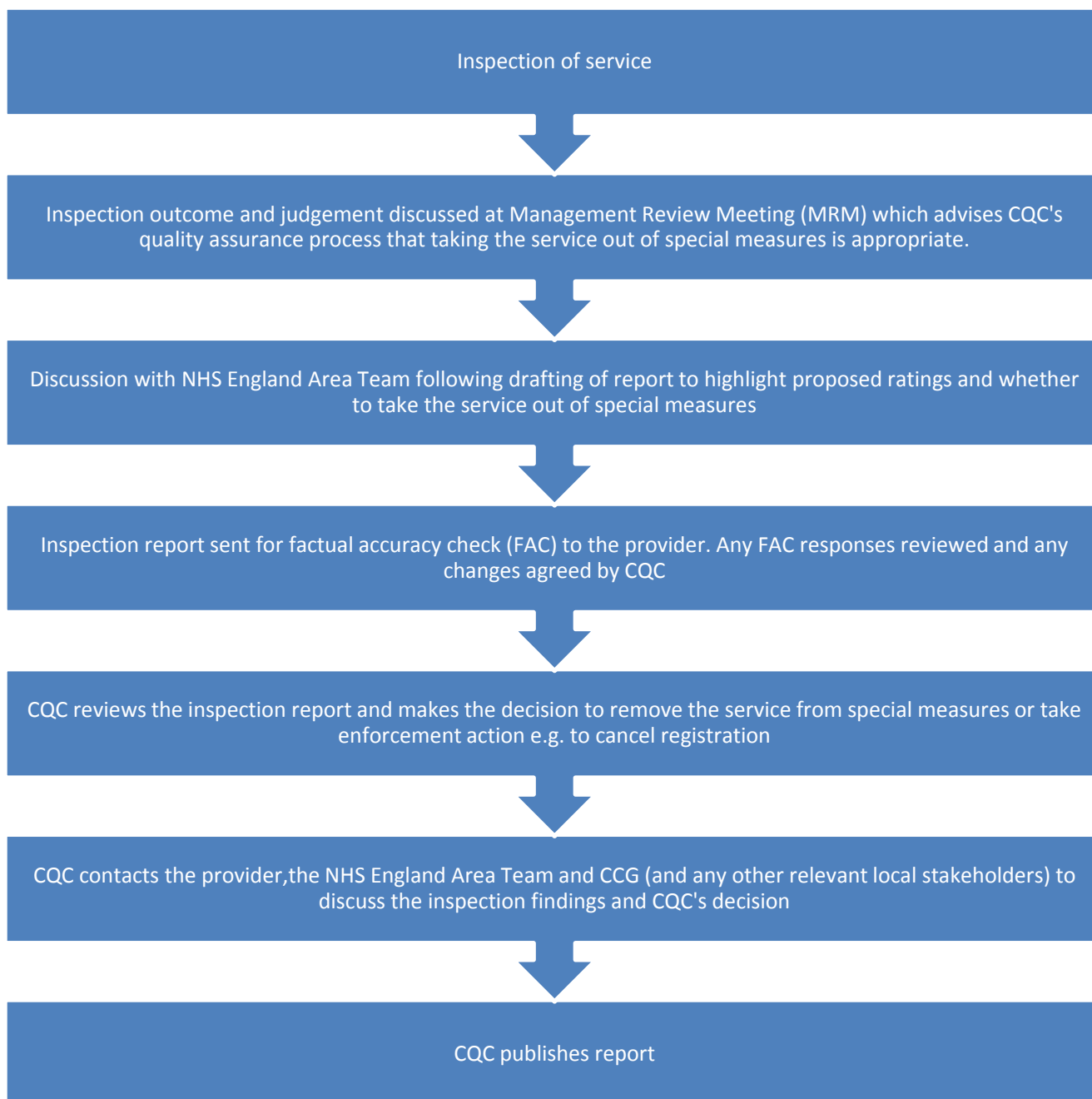
**Figure 3: Routes out of special measures**



**How is the decision made to take a NHS GP practice, GP out-of-hours services or other primary medical services out of special measures?**

CQC decides whether to take a service out of special measures. This decision will follow an inspection of the service.

**Figure 4: Removing an NHS GP practice, GP out-of-hours services or other primary medical services from special measures**



### **Development of special measures**

We will continue to develop our approach to special measures as we learn from experience and from feedback from providers, people who use services and their carers. We will issue new guidance if our approach to special measures develops.



## Appendix: Special measures process

