Dear Dr Alexander,

CQC’s monitoring of inappropriate secrecy clauses in NHS compromise agreements (RLJ Approval)

Please find attached a letter from Rebecca Lloyd-Jones, Director of Governance and Legal Services at the Care Quality Commission.

Thank you for writing to us.

Kind regards

Matt

Matt Docherty
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Dr Minh Alexander

By Email: minhalexander@aol.com

Dear Dr Alexander,
Thank you for your email of 8 June 2016 to David Behan, Chief Executive of the Care Quality Commission and your further query in relation to CQC’s monitoring of NHS compromise agreements. I am responding to you on behalf of Mr Behan.

Our published assessment framework together with our overarching inspection methodology provides the structure for inspectors to assess the quality of care provided by NHS trusts. This allows inspectors the flexibility to inspect the specific areas of concerns or identify the good practice at individual trusts.

We do not have a specific structured methodology for following up concerns regarding confidentiality clauses in compromise agreements used by regulated bodies; inspection teams are able to use the framework and methodology of inspection to explore these concerns with appropriate specialist advice as needed.

As with other aspects of our inspections, our approach to compromise agreements is risk-based and intelligence led. In accordance with the Regulators’ Code, we have adopted a proportionate approach to the regulation of registered services. Our powers do allow us to inspect compromise agreements, where we consider it necessary to do so for the purposes of our regulatory functions, and we can use them as evidence under our existing framework and methodology.

We will use our powers to conduct reviews and investigations across regulated sectors where requested by the Secretary of State or otherwise where we consider that this is the best use of our resources to protect and promote the health, safety and welfare of people who use health and social care services.

I trust my response provides the clarification you seek and I thank you once again for your correspondence.

Yours sincerely,

[Signature]

Rebecca Lloyd-Jones
Director of Governance and Legal Services

Chair: Peter Wyman CBE DL    Chief Executive: David Behan CBE