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TIMES INVESTIGATION

CQC is no stranger to claims of cover-up

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The Care Quality Commission had already been criticised over the Mid-Staffs scandalCHRISTOPHER FURLONG/GETTY

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The Care Quality Commission's failure to prosecute Hillgreen Care raises more doubts about the effectiveness of an organisation that has had a troubled history since it was set up in 2009.

It has already faced criticism over the Mid-Staffs scandal, the abuse of adults with learning disabilities at the Winterbourne View nursing home near Bristol and failings linked to deaths in the maternity unit of a hospital in Cumbria.

The CQC was handed new powers in April 2015 that allow it to bring criminal charges against care providers. They can be brought against a company and its directors and senior managers. In deciding whether to prosecute, the CQC says that it considers if public

confidence in its role as the regulator of England's hospitals and adult residential care homes would be undermined by failing to hold wrongdoers to account.

Since 2015 it has brought prosecutions against five care homes and an NHS trust. Each time the offence was failure to prevent physical harm, typically over incidents leading to a resident's death or serious physical injury.

Hillgreen Care's conduct before and in the immediate aftermath of the suspected rape by a high-risk sex offender of a young man with severe autism could have led to its prosecution for several criminal offences, most obviously failing to protect a service user from abuse or a significant risk of abuse.

More than two years after it gained its new powers, however, the CQC is yet to charge any company or individual for such an offence. Criticism of its alleged regulatory weaknesses began from the moment it was formed.

Its first chief executive, Cynthia Bower, proved a contentious choice because of her connection with the Stafford Hospital scandal over the appalling care and high death rate of patients at the site ten years ago. She ran the local health authority at a time when claims of poor treatment first emerged.

The commission also faced criticism after an undercover BBC documentary in 2011 showed care workers at Winterbourne View physically abusing people with learning disabilities. It subsequently emerged that the charge nurse who went to the BBC to blow the whistle had previously approached the CQC with his concerns, but was ignored.

Later that year, the Commons' health select committee criticised the CQC for neglecting to carry out inspections and, in 2012, a capability review published by the Department of Health was sharply critical of the regulator, forcing Ms Bower to resign. She was replaced by Sir David Behan, who admitted there were problems with his predecessor's management of the watchdog. He earns £185,000 to £190,000 a year.

In 2013, the CQC was accused of attempting to cover up its failure to prevent deaths in a maternity unit. The NHS trust which runs Furness General Hospital was given a clean bill of health after a CQC inspection in 2010, two years after concerns were first raised. Senior CQC officials were accused of trying to suppress an internal report that examined how the hospital's failings had been missed by the regulator.

Last year, whistleblowers accused the CQC of ignoring thousands of warnings every year from care staff. The body said that it took staff concerns "extremely seriously". It said that over a recent six-month period, 10 per cent of calls triggered an investigation.