



CQC Legal Services
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

By email only:

20 January 2022

Dear Sir or Madam

Long Barn Supported Living – letter of rejection

Your ref: CA-019657

We write in response to your letter dated 17 January 2022.

As stated in our letter dated 10 January 2022, our Client wants it to be formally recorded that it rejects CQC's assertion that there was a finding of a breach of Regulation 17 and rejects the 'Requires Improvement' rating for Well-led and the overall rating of 'Requires Improvement' for the service.

Whether or not our Client was in breach of Regulation 17 is ultimately a matter of law. CQC's position is that the threshold for a regulatory breach was met and our Client's position is that the threshold was not met.

Your letter states that, *"The inspection team benefitted from the expertise of a medicines inspector to assist in reaching our findings"*. However, it was evident from the draft inspection report that CQC inspected our Client's service as though it were a care home with CQC falling into error by referring to NICE guidance relating to 'Managing Medicines in care homes' rather than NICE guideline NG67 'Managing Medicines for People Receiving Social Care in the Community'.

Directors

Paul Ridout **Solicitor** | Caroline Barker **Non-practicing Solicitor** | Jenny Wilde **Solicitor** | Kevin Craig **Non-lawyer**



CQC's concerns only related to three issues. As detailed in our Client's service improvement plan which was submitted to CQC on 10 January 2022, immediate action was taken in relation to these issues as detailed below:

1) Medicine Administration Records (MARs) not including allergy status	All MARs were audited and the allergy status of tenants is included on MARs where applicable.
2) Monitoring the storage temperature for medication	Thermometers were ordered and all medication storage temperatures are being monitored and recorded.
3) Disposal of medicines to the pharmacy	A tamper proof container for the disposal of medicines was purchased and disposal of medication sheets were created to help ensure that medication stock is accurately maintained.

CQC rated four out of five domains in the inspection report as 'Good'. Typically if a service is rated as 'Good' in four domains and 'Requires Improvement' in one domain with no regulatory breaches, CQC awards an overall rating of 'Good'. In this case, CQC rated the domain Well-led as 'Requires Improvement' because of the finding of a breach of Regulation 17.

CQC's enforcement policy stipulates, the overall rating for a service cannot be better than 'Requires Improvement' if there is a regulatory breach. However, this principle is only guidance, not a statutory position. Ratings are subject to normal public administrative law principles. CQC has discretion to apply or dis-apply guidance i.e. discretions must not be fettered. In our Client's case, CQC had discretion not to apply the alleged breach of Regulation 17 as a rating limiter. CQC erred in process by refusing to exercise any discretion.

The remainder of your letter is noted and does not call for a response.

Yours faithfully

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