

Local Authority & CQC Notifications Policy

Statement and Purpose of Policy

Serenta Homecare aims to ensure that it meets its responsibility to notify the Local authority and Care Quality Commission (CQC) of incidents, events and changes that affect the service or the people using it.

Background

This organisation recognises that Regulations 12, 14, 15, 16, 17, 18, 20, 21 and 22 of the Care Quality Commission (Registration) Regulations 2009 require it to notify CQC about certain incidents, events and changes that affect the service or the people using it.

It is an offence not to notify CQC when a relevant incident, event or change has occurred.

This organisation is committed to fully complying with the above regulations. The procedures below provide details of how we propose to ensure compliance in practice.

Applicable legislation and guidance

- Health and Social Care Act 2008 (Regulated Activities Regulations) 2014
- Care Quality Commission (Registration) Regulations 2009
- Mental Capacity Act 2005
- Mental Health Act 1983
- Data Protection Act 2018

Statutory notifications: guidance for Registered Providers and Managers of: independent healthcare, adult social care, primary dental care, private ambulances, CQC, April 2015

Policy

This policy and procedure detail how Serenta Homecare will meet its legal obligations regarding notifications. This policy and procedure applies to the registered person and any other person to whom these responsibilities have been delegated.

If any person who has responsibilities under this policy and procedure fails to carry out their responsibilities, this will be regarded as a breach of their contract of employment and may result in action being taken under this organisation's disciplinary and grievance procedures.

A contravention of, or failure to comply with, any of the provisions of the Care Quality Commission (Registration) Regulations 2009, Regulations 12 and 14 to 20, is an offence. A person guilty of such an offence is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale. (£2,500). The CQC has the power to offer a fixed penalty notice, in which case the monetary penalty will be:

- £1,250 if the offence is committed by a service provider
- £625 if the offence is committed by a registered manager.

What needs to be notified?

- Regulation 12 – changes to the statement of purpose
- Regulation 14 – absence of the registered manager for more than 28 days
- Regulation 15 – changes to the management of the care provider
- Regulation 16 – death of a service user
- Regulation 17 – notification of death or unauthorised absence of a service user who is detained or liable to be detained under the Mental Health Act 1983
- Regulation 18 – Notification of other incidents.

Notification of other incidents

- Any injury to a service user that has resulted in:
 - (i) an impairment of the sensory, motor or intellectual functions of the service user which is not likely to be temporary
 - (ii) changes to the structure of a service user's body
 - (iii) the service user experiencing prolonged pain or prolonged psychological harm
 - (iv) the shortening of the life expectancy of the service user.
- Any injury to a service user that requires treatment by a health care professional in order to prevent:
 - (i) the death of the service user
 - (ii) an injury to the service user which, if left untreated, would lead to one or more of the injury outcomes mentioned in the paragraph above.
- Any abuse or allegation of abuse in relation to a service user.
- Any incident which is reported to, or investigated by, the police.
- Any event which prevents, or appears to the service provider to be likely to threaten to prevent, the service provider's ability to continue to carry on the regulated activity safely, or in accordance with the registration requirements, including:
 - (i) an insufficient number of suitably qualified, skilled and experienced persons being employed for the purposes of carrying on the regulated activity
 - (ii) an interruption in the supply to premises owned or used by the service provider for the purposes of carrying on the regulated activity of electricity, gas, water or sewerage where that interruption has lasted for longer than a continuous period of 24 hours
 - (iii) physical damage to premises owned or used by the service provider for the purposes of carrying on the regulated activity which has, or is likely to have, a detrimental effect on the treatment or care provided to clients.
 - (iv) the failure, or malfunctioning, of fire alarms or other safety devices in premises owned or used by the service provider for the purposes of carrying on the regulated activity where that failure or malfunctioning has lasted for longer than a continuous period of 24 hours.

- Any authorisation of a deprivation of liberty.
- Regulation 20 – Duty of candour apology.
- Regulation 21 – Death of service provider.
- Regulation 22 – Appointment of liquidators.

Submitting notifications

The registered person will submit all notifications to CQC. It is the registered person's responsibility to ensure that notifications are made, and they will be committing an offence if they fail to do so.

Submitting extra information about a notified event

If it is necessary to submit further information about a notification, for example about a safeguarding alert, this can be done in the same manner as the original notification. It is important to always quote the reference number that was assigned to the original notification when contacting CQC to discuss the notified event or to provide more information. Some notification forms are designed to enable the submission of follow-on information to previous notifications. In this case, the reference number for the original notification must be quoted in the space provided for it.

Medication errors

There is no requirement to notify CQC about medication errors, but a notification would be required if the cause or effect of a medication error met the criteria to notify one of the following:

- a death (Regulation 16)
- an injury (Regulation 18)
- abuse, or an allegation of abuse (Regulation 18)
- an incident reported to or investigated by the police (Regulation 18).

Where relevant, it should be made clear that a medication error was a known or possible cause or effect of the incidents or events being notified.

Local Authority and notifications:

There is a requirement to submit certain notification to the local authority these are inclusive of:

- Medication Error resulting in harm or potential harm to client
- Missed visit/late visit occurred out of time banding
- Safeguarding concerns (withing 24 hours of the incident occurring)
- Untoward Incidents (within 48 hours of the incident occurring)

Management duties

Managers and supervisors in the organisation have a duty to:

- ensure that this policy is operated throughout the organisation at all times
- regularly audit the use of this policy and the effectiveness of notifications procedures and initiatives.

Staff duties

Staff in this organisation have a duty to:

- always act in full compliance with this policy in reporting incidents and completing notifications
- attend appropriate training.

General staff training

In this organisation:

- induction will include training and guidance on the notification policy.

Applicability and scope

This policy applies to all staff and volunteers working in or for the organisation without exception. All staff are responsible for ensuring that they work within the remit of this policy and in the manner in which they have been trained.

Associated policies and procedures

- Accident and incident reporting Policy & Procedure

Responsibilities

Responsibility for implementing, monitoring and reviewing this policy lies with the service provider.

Document Control

Date Approved: June 2026

Target Audience: All Serenta Homecare Staff

Review Date: June 2028

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