

Written submission to the Public Accounts Committee from 30 current and former Experts by Experience, relating to the Committee's Report of Session 2015-16, *Care Quality Commission*

Executive Summary

- Remploy, one of the two new contractors for the Experts by Experience programme, is not fulfilling its contractual obligations and is still failing to provide an effective service five months into the contract.
- The CQC is aware of the serious failings, but is not exercising its contractual responsibilities which should lead to a termination of the contract, choosing instead to discuss with Remploy some areas for improvement.
- Meanwhile, the Remploy contract continues to impact negatively on the retention, recruitment and quality of Experts; the evidence of service users', patients' and residents' experiences; staff morale; the quality and timeliness of inspection reports; the inspection programme improvement plans; the number and quality of inspections completed and the reputation of CQC.
- The Expert by Experience contract with Choice Support, in the Central region, is running effectively and demonstrates that the contract can be achieved successfully with an appropriate contractor that understands the service and values the work of Experts.
- The disparity of the quality of the Experts by Experience service in the Central region compared to the other three regions is causing frustration, stress, dissatisfaction and resentment amongst CQC staff and Experts, exacerbating the geographically inequitable service.
- By supporting an Experts by Experience service operated by two contractors completely different in their approach to quality, support, efficiency and pay rates, the CQC is creating further problems for the inspection programme. This is not acceptable for a regulatory body where single national standards are imperative.
- The CQC must be held to account for the failings in the Remploy contract and the consequent problems in the inspection programme. The CQC needs to fulfil its contractual obligations and terminate the Remploy contract in order to recruit and retain Experts and CQC staff across the whole country, and resume the national improvements in the inspection programme that were evident before February.

1. Introduction

This submission is an update to the document we submitted to the PAC in March 2016 concerning the new Experts by Experience contract, which commenced in February 2016. The two successful suppliers were Remploy (a for-profit organisation) for three of the regions and Choice Support (a charity) for one region. This submission provides evidence from the experiences of current and former Experts that the Remploy contract is failing badly and exacerbating problems of staff

morale, sickness and turnover as well as reduced productivity in the inspection programme. But the CQC is not fulfilling its contractual responsibilities to manage the Remploy contract effectively. Therefore, the CQC is wasting taxpayer's money, jeopardising the quality and integrity of the CQC inspection programme and putting vulnerable service users at risk of not having their views heard.

2. Remploy's contractual failings

2.1 The CQC acknowledges that there are problems with the Remploy contract and has admitted Remploy is non-compliant in up to 12 contractual obligations. Remploy has been served with a notice to improve. The serious contractual failings in attracting, recruiting, training, managing and deploying Experts warrant a termination of contract. But instead, the CQC is adopting a sticking plaster approach. At the CQC Board meeting on 22 June, five months into the Remploy contract, the CQC Chief Executive said "I have met with Remploy and formally raised the current contract performance issues, which I expect to be resolved."

2.2 As a group of current and former Experts, we submit regular lists of current issues concerning Remploy, and its various sub-contractors, to the CQC Engagement team, so CQC is well aware of the many problems still encountered. We have seen little improvement and do not share Mr Behan's optimism for the future.

3. Impact on Experts by Experience

3.1 Current and former Experts share many continuing concerns as a result of the Remploy contract. Remploy is adopting an increasingly hands-off approach and is assigning several sub-contractors to run the Experts by Experience programme. The sub-contractors, like Remploy, have no experience or understanding of the inspection programme, so the ongoing problems are exacerbated. Inspections are still allocated inappropriately outside Experts' areas of experience. Experts are not being assigned to requested inspections. Experts are waiting for work, but not contacted, so inspectors have to carry out inspections without Experts when Experts are actually available. Experts who have resigned are approached regularly about possible inspections. Experts are having to complete unpaid administrative tasks that Remploy should be doing in order to be allocated to inspections. Experts receive no payment for training. Experts receive no support after difficult inspections.

3.2 Some negative experiences are related to the terms and conditions of Remploy's individual sub-contractors. One sub-contractor asks Experts to bid for inspections without knowing the service provider, so if a conflict of interest is identified after allocation, the bidding process has to start from the beginning again. One sub-contractor will allocate work only if the Expert agrees to be self-employed, which appears to be in contravention of the Income Tax (Employment) Regulations and raises issues of duty of care. Some sub-contractors offer no ongoing training, some force experienced Experts to undergo unnecessary training.

3.3 Remploy Experts are operating in a fragmented, confusing, bewildering and energy-sapping environment. Some Experts have two employers, Remploy and a sub-contractor. Some Experts are not sure if they should apply to another sub-contractor to receive work. Experts can receive duplicate paperwork. Communication with sub-contractors is poor and can be conflicting. The high turnover of administrative staff leads to a lack of support and inefficiency. Experts are repeatedly contacted about inspections they have already said they cannot do, or for days they are already booked. Some Experts are allocated minimal work, whilst others are overloaded with requests, in the same geographical area.

3.4 In addition to all this inefficiency and uncertainty, experienced Remploy Experts now face the first pay cut since the contract commenced. The CQC topped up the pay rate offered by Remploy (£8.40 per hour) to the same pay rate as Choice Support Experts in Central region (£15 per hour), but for 6 months only. The top-up from the CQC (or, more exactly, tax payers) will now be £12.50 per hour, but only for a limited time, when it will be reduced further to the level Remploy offer new recruits, which is currently around £9 per hour. In Central region there is no intention from Choice Support to cut Experts' pay rates, which continues to be £15 per hour.

3.5 CQC continues to claim that it has no influence over the pay rates offered by the two contractors, although we have received evidence that the CQC Executive made the decision to cut the pay rate to the living wage level. Whoever made the decision, it is clear that the CQC supports an unjust, divisive and inequitable payment system. This is particularly galling when all Experts have their pay for each inspection capped and, in order to provide high quality support, they work many hours unpaid. We note that specialist advisers who work on inspections are all paid the same fee for inspections across the country and so do not have to endure an unfair and divisive payment system.

3.6 Disparity of pay, terms and conditions, administrative inefficiency, lack of support and training and daily frustrations all add up to test even the most dedicated Expert to the limit. It is unfair and unjust that Experts should have to deal with these problems simply because they live in one of the three regions where Remploy is contracted. In the Central region Experts contracted to Choice Support do not face these frustrations, injustices and inefficiencies. Choice Support understands the CQC inspection programme and the Experts' role in supporting it. Injustices and unfair treatment breed frustration and resentment. It is completely unacceptable for such disparities across regions to be supported and encouraged by the CQC, the regulatory body whose lynch pin is universal standards of quality and human rights.

3.7 It is little wonder that more and more experienced Experts in three regions are intending to resign as the promised improvements from Remploy are not forthcoming and their pay rates fall to unskilled levels. Those Experts who stay with Remploy face the difficult situation of wanting to do their challenging and skilled job well, albeit on an unskilled wage, working many unpaid hours to do so, with the added stress of dealing with Remploy's inadequacies. This does not reflect the public assertion from the CQC that Experts and the views of service users are valued and important, and does little to retain existing Experts or attract new recruits.

4. Impact on the inspection programme

4.1 Inspectors are exasperated by the struggle to negotiate their way through Remploy's allocation systems to find Experts for their inspections in three regions. Some inspectors try to circumvent the Remploy allocation system through sheer frustration. We know through contact with inspectors in the three Remploy regions that, in many cases, their requests for Experts are not fulfilled, or Experts are allocated without them being informed or allocated at the last minute. This is particularly a problem for responsive inspections which happen at short notice. We also know that Experts are often available, but not contacted by Remploy or its sub-contractors due to inadequate administrative systems. We have submitted a Freedom of Information request to find out the percentage of inspections in all four regions that utilised Experts by Experience in May 2015 compared to May 2016.

4.2 Without Experts, inspectors are having to cancel inspections or add extra (expensive!) inspector days to inspections to attempt to capture the views of service users. This extra pressure comes at a time when inspectors are being asked to complete more inspections and are no longer allowed to use Bank Inspectors to assist them.

4.3 A recent Freedom of Information request from the Disability News Service revealed that the number of postponed and cancelled inspections rose by more than 360% from April 2015 to April 2016.

4.4 This pressure is having a negative impact on inspector's productivity and morale. In the CQC's April 2016 Performance Report, report timeliness declined in the Hospitals directorate, inspector productivity declined in Adult Social Care to 72% and in Primary Care Services to 90%. The CQC Chief Executive attributed the decline in productivity to annual leave (even though there were no public holidays in April) and a lag in updating recording systems. No mention was made in the June Board meeting of the high levels of inspectors' sickness and turnover. Compared to a national average of 2.1% sickness levels (ONS Labour Force Survey 2013) the April 2016 sickness rates for CQC inspectors was 4.9% in the ASC directorate, 3.5% in the PMS directorate and 2.6% in the Hospitals directorate. Equally worrying were the very high inspector turnover rates for April, which were 9.1% in ASC, 13.4% in PMS and 11.5% in the Hospitals directorate.

4.5 We know that quality assurance is not being addressed by Remploy as some sub-contractors do not even want to receive Experts' reports and it is not clear how Experts' performance is being managed.

4.6 The CQC inspection programme is struggling to meet its targets and morale amongst key staff is low. Yet the CQC allows a contract to continue that is exacerbating the problems.

5. Impact on service providers

5.1 The CQC has not commissioned work to capture the views of service providers on the differing approaches to the Experts by Experience programme across the regions. It is possible that some service providers could question the quality and equity of the service and register dissatisfaction as a result.

6. Impact on the general public

6.1 Problems with the Remploy contract have been well documented across national media, trade press and social media. CQC remains resolute in its defence of the contract. This is having a negative impact on the reputation of the CQC.

7. Impact on service users

7.1 Remploy's Experts by Experience are struggling to cope with the inefficiencies, frustrations, confusions and quality of the contract. But they, alongside the Experts who have already resigned, are clear that the real victims in this sad saga are the most vulnerable people in society. In three of the regions, service users are not receiving the service they deserve and their views are not consistently captured. For the sake of these people, CQC should no longer attempt to support and help Remploy, the organisation that is putting these vulnerable people at risk, and should instead carry out its contractual responsibilities to provide a quality service.

8. CQC's position

8.1 In its public statements the CQC is always supportive of the Experts by Experience contribution to the inspection programme, but it is equally defensive about the Remploy contract. Despite public and media outcry, the CQC insist on engaging with Remploy and "actively managing" the failing contract.

8.2 We have written to the CQC to ask whether it shares our numerous ongoing concerns about the Remploy contract and if so, what specific action is being taken to address these issues. We also want to know how the contract, with all its expensive problems, can be viewed as value for money. We have not received a response.

8.3 We have submitted several requests for information to the CQC, under the Freedom of Information Act, to find out more about the contactors' performance in relation to the Expert by Experience contract. So far, we have only received refusal notices, and notifications of delayed responses due to consideration of exemptions under the Freedom of Information Act. We are contesting these outcomes as the information we are requesting is in the public interest and appears to be available.

8.4 The CQC continue to be optimistic and upbeat about the future success of the inspection programme. In the April 2016 Performance Report, all of the programme risks, even the highest risks, were downgraded to medium risks once mitigation strategies were taken into account. This included risks of not having capacity to

deliver on commitments, not having the skills and capability to regulate effectively, not managing procurements well and not getting best value from contracts.

8.5 We do not share the CQC's optimism. The inspection programme is currently fragile. Amongst inspectors, morale is low, sickness rates are high, turnover is very high and productivity is falling. Experts in three regions are under-valued, treated unfairly, struggling with a failing contract and numbers are low. The CQC are defensive about the Remploy contract and unwilling to share information about performance and value for money that is in the public interest. The time has come for the CQC to admit mistakes, swallow pride and take positive action to terminate the Remploy contract and restore the inspection programme to its former position of improving.

Recommendations

1. The PAC should interrogate the CQC closely on the contractual failings of the Remploy Experts by Experience contract and how it can be perceived as value for money.
2. PAC should ascertain why the CQC is allowing the Remploy contract to continue when the fragmented, bewildering, unfair and inefficient system is causing so many problems with the inspection programme and wasting so much money.
3. Pressure should be applied to the CQC to terminate the Remploy contract for the sake of the inspection programme, tax payer's money and most importantly, vulnerable service users.

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