

Shared Insights: What individuals and NHS organisations should expect from the regulators in 2021

12 January 2021

These insights were shared at our fortnightly online forum for NHS professionals on 12 January 2021. To find out more please visit our [Shared Insights hub](#)

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Carl May-Smith is a partner and barrister specialising in regulatory and criminal law, with a particular focus on the health and care sector. Carl provides a broad variety of advice including in respect of health and care standards (CQC and others), health & safety, fire safety and police investigations. His clients include care providers (independent and NHS) as well as commissioners and investors in the sector.

Carl provided an update on what individuals and NHS organisations should expect from the regulators in 2021.

The Shared Insights were:

1. In the first half of 2021, the CQC will move on with its Transitional Monitoring Approach.

- This is a replacement for the Emergency Support Framework and will be in force until at least May.
- It utilises a two-stage process.
- The first is effectively a triage call.
- Second stage (inspections and enforcement) will be targeted at 'concern' services.
- Risk is determined from various sources including:
 - Previous inspections and ratings and other usual data sources.
 - Inspector knowledge of service.
 - Key external sources of service user feedback.
 - Internal sources of feedback or more informal sources where necessary.
- The Initial provider call decides whether inspection is required.

2. Preparing for a Transitional Monitoring call

- One to two hour call (arranged in advance) Review new Transitional Monitoring Approach [Key Lines of Enquiry](#)
- Evidence should be available to share during the call (or within 24 hours)
- Main focus will be on safety including:
 - Safeguarding
 - Risk assessment, monitoring and management whilst respecting freedom
 - Staffing (is it sufficient and suitable) Medicines
 - Infection prevention and control Cross-system working

- Pandemic effect to staff and culture

Outcomes

- Monitoring summary record is not published (at the moment)
- Regulatory action (where there are safety concerns):
 - Additional support coordination
 - Inspection and/or enforcement

3. CQC Strategy for 2021 and beyond

In the 2nd half of the year the CQC has launched its Consultation of strategy for 2021 and beyond. They want to “transform” how they regulate.

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