

## **Annex I - Regulation concerning the overarching process for complaint and incident reporting in homecare services**

This guidance presents an over-arching process for complaints and incidents management in homecare services. As shown in Box I there is significant overlap and therefore complexity in the regulation and reporting requirements for complaints and incidents occurring within homecare services. It is intended that following the overarching process for complaints and incidents in homecare services assists the homecare organisation to be compliant with relevant regulations.

This annex signposts to the key areas of the regulatory and governance frameworks relevant to regulatory reporting requirements which may be encountered during the management of complaints and incidents overarching process, irrespective of the specific complaint and incident type. Reporting requirements for the specific complaint and incident types are included in the relevant part of [section 9](#).

### **Care Quality Commission (Registration) Regulations 2009**

Regulations 12, 14, 15, 16, 17, 18, 20, 21 and 22 of the Care Quality Commission (Registration) Regulations 2009 make requirements that the details of certain incidents, events and changes that affect a service, or the people using it, are notified to CQC. Please note that the detail of some requirements changed in 2012. Up-to-date regulations and fundamental standards are available on the [CQC website](#)<sup>37</sup>.

CQC provides [extensive guidance](#) for healthcare providers<sup>38</sup>.

Information about the notifications that regulated healthcare providers are required to make to CQC can be found on the [CQC website](#)<sup>39</sup>.

The law says that registered persons must notify us without delay if a variety of 'other incidents' such as those listed below take place while a regulated activity is being delivered or as a consequence of a regulated activity being delivered.

- A death
- A serious injury
- Abuse, or an allegation of abuse
- An incident reported to or investigated by the police

It is important that the homecare organisations CQC registered Responsible Person is fully up-to-date with prevailing requirements and the homecare organisation's complaints and incidents process ensures the Responsible Manager is fully informed of relevant incidents.

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

Of particular relevance to complaints and incidents process in homecare services are:-

- [Regulation 16: Notification of a death of a service user](#)<sup>40</sup>
- [Regulation 17: Good governance](#)<sup>41</sup>

## Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

Of particular relevance to complaints and incidents process in homecare services are:-

- [Regulation 12 - Safe care and treatment](#)<sup>42</sup>
- [Regulation 13: Safeguarding service users from abuse and improper treatment](#)<sup>43</sup>
- [Regulation 16: Receiving and acting on complaints](#)<sup>44</sup>
- CQC may request, from the registered homecare organisation, a summary of complaints received, responses made and any other relevant information in relation to complaints. [CQC Regulation 20 - Duty of Candour](#)<sup>10</sup>