

## QUERYING AN INSPECTOR

A good number of Care Standards Inspectors are approachable, helpful and make good judgements regarding the interpretation and application of the Standards.

However, as in all areas of life, some are not so good and one could say of them “Standard Not Met”. They can be typified by telling you to do something “because the Standards say so” but would never commit that to writing.

In our experience working with thousands of care providers across the UK, the words care providers use to reflect this are that they feel “bullied” by the inspector and are “frightened to query the inspector” because of this.

Senior people in the inspectorates no more want you to feel “bullied” by their staff than they want staff in a care setting to feel bullied by their colleagues. If you do not raise the issue, it can not be dealt with and you should not feel intimidated to speak out. In fact, you owe it to yourself, colleagues, Service Users etc. to seek written clarity on that which an inspector asks of you.

This fact sheet is not intended to promote militancy, it is, however, produced to guide you, as one approach, to managing circumstances where you need to be absolutely sure what you are being told is right and that it is done so in a reasonable and professional manner in order that those you care for can live with dignity and fulfilment.

**If you feel “bullied” or unconvinced the inspector is right, here is what to do ...**

- Write to the inspector and insist they make it crystal clear, in writing, exactly what it is they want you to do
- Insist that they make it crystal clear whether their point is a mandatory requirement or whether it is their personal recommendation
- If they argue it is a mandatory requirement, insist they explain clearly where and how the Standards make it a mandatory requirement - they are, after all, the accountable public inspector on the matter
- It is more than reasonable to point out that you require their written response within 28 days, they would want no less from you.
- Make a copy of your letter and send it marked “Private and Confidential” by Recorded Delivery to ensure you know it was received and giving time for the response.

If they write back convincing you the issue is mandatory, you had better get on with it. If however, it is a recommendation - it is a recommendation - implementation of the issue is at your discretion according to how you feel it would benefit those you care for.



**What if you are not persuaded, they do not write back in time etc. ...**

Your inspector reports through a layer of management and if you want something done, go to the top.

- Write to the Regional Director of your inspectorate (you can find their details by logging on to [www.mulho.com](http://www.mulho.com) and go to “links” where you can click on “care standards” which will take you to their details from which you can find the Director and their address).
- If you feel “bullied”, “harassed” etc., tell them this in your letter - they need to know
- Include a copy of the letter you originally sent to your inspector
- Explain to the Director that, in your opinion, their inspector has failed to satisfy your query
- Insist that the Director personally investigates the matter fully and thoroughly
- Insist that you would like the Director’s personal comment on the matter following their internal review and that you would like that, in writing, within 28 days.
- Make a copy of your letter and send it marked “Private and Confidential” by Recorded Delivery to ensure you know it was received and giving time for the response.

If they write back convincing you the issue is mandatory, you had better get on with it. If however, it is a recommendation - it is a recommendation - implementation of the issue is at your discretion according to how you feel it would benefit those you care for.

### **Still not satisfied?**

Follow the same process as you did with the Director, except this time send it to the Chief Executive governing your inspectorate.

Being more senior, Directors and Chief Executives have a more “global” view on the issues and, should at least, be able to apply their greater knowledge and experience more universally.

### **Really fed up?**

Some care providers have felt the need to go further still in order to seek a resolution to a particular issue or issues, which may include feeling “intimidated”, “bullied” etc.

Remember, in the final analysis, the interpretation of law and its application belongs with a Court and not a government inspector, and this is true of Care Standards. That is why a growing number of care providers have sought legal counsel on issues - we know one care provider that saved £30,000 as a result of doing so! You should not be put off by seeking legal counsel where you really are fed up and we can provide contacts for you if matters should ever reach this stage.

There are care providers who also write to their MP, local press etc. on issues in order to ensure absolute written clarity has been given by their inspectorate.

## Contracts and Commissioning Officers

Where issues arise with the contracts and commissioning teams, you can use the same process as above, escalating it through the Social Services Director and then on to the Chief Executive of your local authority.



