



Public Health
England



- Service Level Agreement -

**The provision of compliance inspection
services between the Care Quality
Commission and Public Health England**

INTRODUCTION

1. This agreement dated 1 April 2013 is made between Public Health England (“PHE”) and the Care Quality Commission (“CQC”) for the provision on a voluntary basis of compliance inspections and advice in relation to services provided by PHE. This Agreement sets out the service to be provided, expected standards and monitoring and review arrangements.
2. The CQC, established under the Health and Social Care Act 2008 (“the 2008 Act”), is the independent regulator of healthcare and adult social care services in England. It registers those services which are defined by regulations made under the 2008 Act as a ‘regulated activity’ and then carries out inspections to check that the provider is meeting essential standards of quality and safety.
3. PHE was established as an Executive Agency of the Department of Health on 1 April 2013 to protect and improve the nation’s health and wellbeing, addressing inequalities and improving the health of the poorest fastest. PHE brings together a range of functions and responsibilities previously delivered through a number of other organisations, including those of the Health Protection Agency (HPA). HPA was abolished on 31 March 2013 and its functions in respect of those regulated activities transferred to PHE, which, as an Executive Agency of the Department of Health is exempt from registration by virtue of paragraph 8(b) of Schedule 2 to the Regulated Activities Regulations. This excludes medical and dental services provided by Government from CQC registration.
4. Under this agreement, the CQC will, on a non-statutory basis, inspect those services which were previously provided by HPA but which have statutorily transferred to PHE with effect from 1 April 2013, that would have required registration under The Health & Social Care Act 2008 (Regulated Activities) Regulations 2010 but for the fact that are provided by an Executive Agency, part of a Government Department.
5. At the request of the Secretary of State for Health, the CQC has agreed to provide advice and assistance to PHE for the purposes of PHE’s functions pursuant to paragraph 9 of Schedule 4 to the 2008 Act in relation to PHE’s compliance with the essential standards.

PURPOSE AND OBJECTIVE

6. The purpose of this agreement is to set out PHE’s commitment to meet essential standards of quality and safety. It describes the inspection and monitoring services that the CQC will provide with respect to those PHE services that would require registration if they were provided by a body other than a Government Department.

7. The objective of the agreement is to secure continuing independent scrutiny of the quality and safety of certain services provided by PHE.

DESCRIPTION OF SERVICE TO BE PROVIDED BY CQC

8. PHE is responsible for a range of health protection services and relevant activity to this service agreement is provided in annex 1. PHE and the CQC agree that, where relevant, PHE is subject to CQC scrutiny to ensure that it delivers services that meet essential standards of quality and safety.
9. PHE and the CQC will work to ensure that the compliance inspections focus on relevant standards in PHE as appropriate.
10. The CQC will provide inspection and review services which will comply with the published guidance on the CQC website at cqc.org.uk. Following an inspection the CQC will publish a report setting out its findings of PHE's compliance with essential standards of safety and quality.
11. In specific relation to this agreement, the CQC undertakes to –
 - 11.1. provide a draft compliance report with its findings from the inspection for PHE comment; and publication of the final report on the CQC website;
 - 11.2. monitor PHE on actions taken to address any shortfalls.

TIMING

12. The CQC will carry out inspections of PHE in accordance with the CQC published inspection methodology. In practical terms, this may mean that the CQC contact PHE 48 hours in advance of scheduled inspections. However the CQC retain the right to conduct unannounced inspections of PHE services at a national or directorate level. In relation to scheduled inspections the CQC undertakes to –
 - 12.1 provide feedback at the end of the inspection and provide a draft report for PHE comment on factual accuracy.
 - 12.2 publish the report on the CQC website.

ESCALATION

13. Following an inspection of PHE's healthcare activities, the CQC will send its report to PHE's Chief Executive, who will look at addressing any concerns raised. Where PHE fails or does not adequately address issues raised by a report issued by the CQC, the Secretary of State for Health will be informed and he will require PHE to address these issues.

CARE QUALITY COMMISSION RESPONSIBILITIES

14. In addition to the services detailed in paragraphs 8 to 11 the CQC will continue to monitor compliance and advice in accordance with this agreement
15. If the CQC identifies concerns regarding the PHE activities covered by the agreement it agrees to keep the matter under review and if necessary initiate a responsive inspection to further monitor compliance with PHE's role in relation to protection of the public's health.
16. The CQC aims to identify concerns on compliance in PHE as early as practicable and initiate discussions with the PHE's Chief Executive.
17. Where the CQC identifies serious concerns, in between inspections, about issues of non-compliance with essential standards then it will raise these with PHE's Chief Executive, who will lead discussions and take appropriate action to resolve the issue in line with PHE governance arrangements.
18. In respect of 15 and 16 above PHE will brief DH and Ministers.

PUBLIC HEALTH ENGLAND RESPONSIBILITIES

19. PHE will deliver services that maintain and deliver best practice to leading international standards, where these exist. PHE is responsible for establishing and maintaining standards at national level and within directorates.
20. PHE will have in place and will continually review its commitment to meeting CQC standards through -
 - 20.1. a single point of contact for CQC at Director Level (the PHE Medical Director)
 - 20.2. clear routes of governance, review and monitoring of standards;
 - 20.3. publishing actions and putting in place appropriate resources to deliver actions in response to CQC compliance reports;
 - 20.4. information management systems to record and facilitate flow of information with CQC;
 - 20.5. provision of public health advice on risk and required standards to Government, local authorities, the NHS, devolved administrations and other service providers;
 - 20.6. defined standards and escalation protocols for all services and ensuring all relevant staff deliver to CQC standards.

COMMUNICATIONS

21. Where the CQC communications activity will have a direct impact on PHE, the CQC will involve PHE in the development of planned announcements as early as possible including the publication of PHE related inspection reports.

OPERATION AND REVIEW OF THIS AGREEMENT

22. PHE and the CQC can amend the agreement at any time through agreement by both PHE and the CQC. The agreement will commence on 1 April 2013 and will operate until 31 March 2016. The agreement will be updated to take account of any changes to statutory responsibilities and status.

23. PHE and the CQC will work together to monitor the impact of this agreement and will conduct review of the applicability in the last year of the agreement's operation.

PRICING AND PAYMENT

24. There will be no tariff set between PHE and the CQC. It has been agreed that the CQC will set no tariff for services in this agreement as the functions are mandated to both organisations, and appropriately resourced to meet the services covered in this agreement. The cost will be met from the general allocation of grant in aid that the DH provides to the CQC. PHE and the CQC will build this agreement into their strategies and abide by the agreement. Hence, the impact on resources is controlled through collaboration, business and contingency planning.

Signatures



David Behan
Chief Executive
Care Quality Commission



Duncan Selbie
Chief Executive
Public Health England

Date: 2 April 2013

Annex 1 – PHE Services

PHE and the CQC will work to ensure that the compliance inspections focus on relevant standards in PHE national office and its directorates as appropriate.

The CQC records will reflect the following details:

Dr Paul Cosford
Director of Health Protection and Medical Director
Public Health England
Wellington House
133-135 Waterloo Road
London
SE1 8UG

Regulated activities:

Diagnostic and screening procedures

Transport services, triage and medical advice provided remotely

Treatment of disease, disorder or injury