



HM TREASURY

# TREASURY MINUTES

Government responses on the Fifty Sixth, the Seventy First, the Seventy Sixth and the Seventy Eighth Reports from the Committee of Public Accounts: Session 2010-12.



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## Treasury Minutes on the Fifty Sixth, the Seventy First, the Seventy Sixth and the Seventy Eighth Reports from the Committee of Public Accounts: Session 2010-12

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*(Ministry of Defence)*

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# Fifty Sixth Report

Ministry of Defence (MOD)

Providing the UK's carrier strike capability

## Report Summary from the Committee

The 1998 Strategic Defence Review committed to replace the three existing Invincible Class aircraft carriers with two larger, more versatile, carriers capable of carrying a more powerful aircraft. By the time the 2010 Strategic Defence and Security Review (SDSR) started, the Department had signed manufacturing contracts for two carriers with an estimated cost of £5.24 billion and delivery dates of 2016 and 2018. The construction of the carriers by the Aircraft Carrier Alliance is going well to date. The majority of build targets have been met and the project is on track to be within budget.

The Department entered the 2010 SDSR with an expected deficit in its equipment programme over the next ten years of up to £38 billion. Decisions taken as part of the Review significantly changed the way the United Kingdom will deliver its Carrier Strike capability. The UK will have no carrier aircraft capability from 2011-2020. While two carriers are still being built, only one will be converted to launch the planes that have now been selected, and the other will be mothballed. The UK will only have one operational carrier with a significantly reduced availability at sea when Carrier Strike capability is reintroduced in 2020. That carrier is being built according to the old design and will have to be modified to make it compatible with the requirements of the new aircraft.

The SDSR decision to change the aircraft flown from the carriers from the Short Take-Off and Vertical Landing (STOVL) variant of the Joint Strike Fighter to the carrier variant changed, but did not necessarily reduce, the balance of risks and uncertainties to the programme in ways which are not yet fully understood. The carrier variant will be more capable with greater operational range and the ability to carry a heavier payload. However, they will require the installation of catapults and arrestor gear on the carriers to help them take-off and land. The technology proposed has yet to be tested and the version the UK intends to buy will be unique to Britain. The costs of converting the carrier for use with the carrier variant aircraft will not be known until 2012.

Whilst the strategic policy decision to re-focus investment in both the carriers and the linked combat aircraft was well informed, it will only become apparent whether the Department can secure value for money in implementing the strategic policy decision when it fully develops and costs detailed delivery plans to support robust investment decisions, probably in late 2012.

As the Committee has commented before, the Department's singular failure to manage its equipment programme within affordable limits has had damaging consequences for both military capability and value for money. It meant that options prepared by the Department to support the SDSR were heavily influenced by the need to make cash savings and by short term affordability. The Department believes that the SDSR decision will save £3.4 billion, but only £600 million of this is cash savings while the remainder is simply deferring expenditure beyond the Department's 10 year planning horizon. The decision will lead to nine years without Carrier Strike and full capability will not be achieved until 2030. It has also acknowledged that there is more work to do to get the best and most flexible operational use from the carrier.

The Accounting Officer confirmed that a policy decision was taken in the SDSR to have aircraft carriers and the Committee does not question this. However, decisions on how to deliver this capability were operational judgements with major cost and value for money implications. The Committee is concerned that the NAO did not have access to all the information it requested to prepare and conclude on value for money in its report of 7 July 2011 on this project. Nevertheless, the Committee took evidence from the Department on the basis of that report, on whether the strategic decision to refocus investment was well informed and whether the Department has plans to cost effectively deliver the Carrier Strike capability now required.

The Committee welcomed the subsequent decision by the Prime Minister and the Cabinet Secretary, in response to the Committees concerns, to allow the NAO access to the relevant material.

In November 2011, the Comptroller and Auditor General produced a memorandum for the Committee on Carrier Strike drawing out the key messages emerging following his access to the relevant papers. The Committee's report draws on the hearing held on 11 July 2011 and evidence from the Comptroller and Auditor General's report and subsequent memorandum. The Committee is disappointed that the systemic issues that have appeared in the Committee's other recent defence reports continue to arise. In making the recommendations, the Committee has built on what it has said in past reports and focussed on two key areas: strategic decision-making and delivery of capabilities.

## Government responses to the Committee's recommendations

### PAC CONCLUSION AND RECOMMENDATION 1

**The Committee holds Departments to account for delivering value for money by considering the reports of the Comptroller and Auditor General. The Committee's ability to do this was hampered in this case by the fact that the National Audit Office did not have access to all the information it needed when preparing its first report to the House.**

*Ultimately access to the relevant material in the Cabinet Office was provided after sustained pressure from this Committee and others in the House of Commons. The Committee welcome this decision. Government departments must not hinder the Comptroller and Auditor General's ability to report to Parliament by denying him prompt access to evidence he considers necessary to conclude on value for money, and the Treasury's guidance, *Managing Public Money*, should be revised to make this clear..*

1.1 The Government agrees with the Committee's recommendation.

#### Recommendation implemented.

1.2 The Government agrees the need to provide full and prompt advice to the Comptroller and Auditor General when he seeks access to information. The Treasury wrote to Accounting Officers in November 2011 reminding them of the extensive powers of the National Audit Office (NAO) and advising that they should cooperate with NAO staff. As the NAO Supplementary Report sets out (at para 4, page 5), the provision of access to Cabinet papers in this instance upheld both the NAO's access rights under the National Audit Act 1983 and the Government's approach to the provision of access to policy papers, which are considered on a case-by-case basis.

### PAC CONCLUSION AND RECOMMENDATION 2

**To convert the ship has changed the profile of risks and costs, and the costs are not yet fully understood.**

*The switch from the Short Take-Off and Vertical Landing (STOVL) variant of the Joint Strike Fighter to the carrier variant has reduced the technical risks associated with the STOVL aircraft. But the costs of converting the carrier for the carrier variant aircraft will not be known until December 2012, leaving the project at risk of cost growth and slippage, and there are new technical risks and challenges integrating the new aircraft with the carriers. The Department should fully understand the risks and costs within 18 months and have appropriate mitigation plans in place. The Committee will seek a further report from the National Audit Office on the project in 18 months' time.*

2.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** March 2013.

2.2 Following the SDSR the Department initiated an investigation into converting the operational carrier. This analysis has matured significantly over the intervening period and been taken into account in setting the budget for 2012 and decision on carrier strike.

### PAC CONCLUSION AND RECOMMENDATION 3

In the past the Department has entered into commercial agreements without ensuring it has sufficient budget to meet its commitments, leading to a shortfall of up to £38 billion over the next ten years.

*Having overcommitted its budget the Department has had to delay projects resulting in increased costs over the longer term. The Committee welcomes the assurance from the Accounting Officer that the Department will only commit to the purchase of equipment / capability when there is a confirmed allocated budget both in the short and long-term.*

3.1 The Government agrees with the Committee's conclusion.

#### Recommendation implemented.

3.2 Governance across the Department has been changed to maintain a much tighter grip on defence expenditure. The Department will publish a further statement on the affordability of the Equipment Plan at the close of the current budget round to provide further assurance. Further changes to embed financial discipline form an integral part of Defence Reform for implementation in April 2013.

### PAC CONCLUSION AND RECOMMENDATION 4

In preparing options, the Department concentrated on immediate cash savings and short-term affordability, and did not focus strongly on long-term value for money.

*The Department's strategic planning ahead of the next SDSR in 2015 should give more weight to through-life costs and long-term value for money in evaluating procurement and delivery options.*

4.1 The Government disagrees with the Committee's conclusion and recommendation.

4.2 In reaching the decision to retire the Harrier fast jets instead of Tornado aircraft, the Department considered the operational capability offered by each platform. While it is true that cancelling Tornado would have saved more money over ten years, the Tornado platform offered a greater degree of flexibility which outweighed the difference in cost-saving compared with Harrier, meaning the UK will have a larger fleet of more capable aircraft, thereby delivering better long-term value for money.

4.3 Similarly, in deciding to continue with the Queen Elizabeth Class Aircraft Carriers, the Department considered a number of factors, including the industrial impact on the UK economy on the basis of the best available information at the time. The main considerations were again based on operational capability and value for money.

4.4 Overall, the SDSR in 2010 considered the full range of factors, including through-life costs and long-term value for money, when it evaluated procurement and delivery options. So will the next SDSR.

### PAC CONCLUSION AND RECOMMENDATION 5

The decision to withdraw the current carriers and Harrier aircraft has introduced a nine-year gap when the UK will have no Carrier Strike capability.

*While two carriers will be built, only one will be converted for the new aircraft. The UK will therefore have one operational carrier with a significantly reduced availability at sea. In future we expect the Department to offer us a clear explanation as to why it has reached judgements on which individual capabilities it will procure, retain or delete and for these judgements to be underpinned by robust cost and operational analyses.*

5.1 The Government agrees with the Committee's recommendation.

**Recommendation implemented.**

5.2 The Government always seeks to take decisions based on the best available cost and operational analyses at the time. The rationale for the complex set of judgements which led to the decisions on the future of carrier strike was set out clearly in the SDSR. These judgements were underpinned by robust analysis and were taken on an informed basis which the NAO acknowledged. Decisions on the components of UK carrier strike capability – including the ships, cats and traps and aircraft – have been subject to extensive review and the Government has announced further decisions based on the latest information and analysis available.

**PAC CONCLUSION AND RECOMMENDATION 6**

**There is no one person responsible for delivering the Carrier Strike project below the Accounting Officer.**

***The Senior Responsible Owner (SRO) has a co-ordinating role, rather than real budgetary and implementation authority. This Committee has consistently identified the Department's weak SRO role as a systemic problem. The Department should give SROs the authority and information they need to manage the delivery of the equipment and capabilities for which they are in theory accountable.***

6.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** April 2013.

6.2 The Cabinet Office is working with the Department to achieve a closer alignment between MOD's programme governance, which has to reflect the generation of capability across the Defence lines of development, and standard SRO practice as part of the wider Defence Reform work.

# Seventy First Report

## Department for Transport (DFT)

### Reducing the costs in the Department for Transport

#### Report Summary from the Committee

As part of the 2010 Spending Review the government announced a significant reduction in the budget of the Department for Transport (the Department), with spending due to be 15% lower by 2014-15, in real terms, than the Department's £12.8 billion budget in 2010-11. While some of the reductions in capital spending were reversed in the 2011 Autumn Statement the Department still has significant expenditure reductions to manage including their own administrative budget being cut by a third. The Committee commends the Department for preparing for the Spending Review early and making a systematic assessment of budget reductions, supported by generally good analysis, but the Committee still has concerns that the Department needs to address.

Around 60% of the Department's expenditure is capital investment requiring long term commitments. The Committee were therefore disappointed that the Department did not have in place a clear framework setting out its long-term strategy at the time of the Spending Review, which would have allowed it to make better informed decisions about spending reductions. The Department is now developing a longer-term approach to transport planning and should make its strategic objectives clear.

The Department spends two-thirds of its budget through third party organisations such as Network Rail and Transport for London. While the Department has improved its information and assurance over some third party spending, we remain concerned at the lack of proper accountability and transparency for Network Rail. Passenger rail is the Department's largest single area of spend with considerable scope for greater efficiencies. Yet rail budgets are reducing by less than other areas and the factors driving the high cost of rail travel are poorly understood.

It is unacceptable that Network Rail's costs are still not subject to direct National Audit Office and Parliamentary scrutiny. The Department continues to view Network Rail as an "essentially private sector" company despite giving it over £3 billion a year in funding and underwriting its debt of over £25 billion. The Department could not offer any convincing evidence as to what characteristics Network Rail shares with a private company.

For roads, the Department does not have a full understanding of the likely impact of budget reductions, particularly on road maintenance. There is a risk that reductions in maintenance will be counterproductive - resulting in higher costs in the long run and increasing the risk of claims for vehicle damage. The Department also needs to develop better contingency plans for how it will deal with threats to its planned budget reductions - for example if some of its planned efficiency savings do not deliver or if inflation is higher than forecast.

On the basis of a report by the Comptroller and Auditor General, the Committee took evidence from the Department for Transport on its plans to reduce costs over the Spending Review period to 2014-15.



## Government response to the Committee's recommendations

### PAC CONCLUSION AND RECOMMENDATION 1

The Department has planned earlier than other departments, but it has still to articulate a comprehensive long-term strategy against which to judge the relative economic and social impacts of its decisions in the 2010 Spending Review and the 2011 Autumn Statement. Longer term planning is essential for making sound investment decisions and prioritising resources, and is particularly important where the majority of spending is for long term capital investment. The Committee does acknowledge that the Department is now improving its long-term planning.

*The Department should finalise and publish its strategy so that taxpayers can see how individual decisions relate to the Department's overarching long-term objectives, and how investment choices between alternative forms of transport are made.*

1.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** December 2012.

1.2 The Department agrees that long-term strategy and planning are important. The Department is this year publishing a number of strategic papers setting out how its plans will deliver against long-term transport objectives. For example: the Department has set out its strategy on high speed rail, and has published a command paper on rail and a bus strategy. The Department will shortly respond to the Cook Review, which included recommendations on producing a long-term plan for the strategic road network, and the Department also has plans to publish a policy framework for aviation. The Department will publish further details of its approach to transport strategy in the Departmental Business Plan, due to be republished in updated form shortly.

### PAC CONCLUSION AND RECOMMENDATION 2

There are weaknesses in the Department's oversight of spending through third parties and a risk that it will get worse with the Department's administrative budget being cut by a third. 68% of the Department's budget is spent by other organisations and it is therefore essential that the Department is satisfied that these third parties are providing value for money. The Committee welcomes steps taken by the Department to improve its assurance over funding for Transport for London, but the Department's intelligence on spending in other areas is weaker. For example, it does not know where over £200 million of planned efficiency savings through Local Authorities will come from and whether those cuts will lead to higher expenditure in the medium to longer term. The Department's own resources for oversight will also become more stretched with the 33% reductions to its own administrative budget.

*The Department should set out consistent principles for oversight of all third party spending which enable it to identify where there is scope for reducing costs further.*

2.1 The Government disagrees with the Committee's recommendation.

2.2 The Department recognises the importance of consistency. However, there are fundamental differences between the third parties through which the Department's funding flows. These third parties include Transport for London, Local Authorities, Network Rail, and bus and train operators. The basis of the Department's oversight of spending by Local Authorities, who have local accountabilities, is quite different from the regulatory approach for Network Rail.

2.3 The Department welcomes the Committee's findings in relation to its financial oversight of TFL. The Department distributes, from provision within its Departmental Expenditure Limit (DEL), a number of different, primarily capital, grants to local government bodies outside of London.

2.4 The Accounting Officer for the Department for Communities and Local Government (DCLG) provides the assurance that a core framework is in place that requires LAs to act with regularity, propriety and value for money in the use of these resources. LAs are required to have an annual

external audit. The certification of LAs' annual accounts by the auditor provides general assurance that the totality of their expenditure is within their legal powers. Auditors also assess whether arrangements are in place to ensure that authorities have used their resources effectively and efficiently. Ultimately, LAs are accountable to their local electorate.

2.5 The DCLG Accounting Officer System Statement<sup>1</sup> sets out, at paragraph 48, what is being done and proposed to make publicly available information which will allow comparisons of performance between different authorities, in particular, through the Local Government Association's own online tool: LG Inform. The Department is working with the LGA and others in the sector to ensure relevant transport data and performance is included in the tool. With respect to local highways maintenance, the Department sponsors the sector-led Highways Maintenance Efficiency Programme.

### PAC CONCLUSION AND RECOMMENDATION 3

**The Department provides over £3 billion each year to Network Rail and underwrites its debt of over £25 billion yet cannot provide assurance that the taxpayer gets value for money. Despite being the largest area of its budget the Department's understanding of cost and benefits is weakest in rail. Both the McNulty report and our recent report on the Office of Rail Regulation have shown that significant potential efficiencies could be secured. The Committee are concerned that while contracts across Government were renegotiated as part of spending reduction plans, Network Rail's funding settlement to 2013-14 was left unchanged.**

***The Department should put in place new oversight arrangements with the powers to interrogate information on Network Rail's efficiency and to make changes to its funding at short notice, and should set out what more it will do to hold Network Rail accountable for delivering efficiency improvements.***

3.1 The Government disagrees with the Committee's recommendation.

3.2 The Government does not consider that there is value in duplicating the Office for Rail Regulation's (ORR) statutory role in relation to Network Rail efficiency. Network Rail is a private sector body subject to regulation and licence conditions. Statute provides for Network Rail's funding to be negotiated over five-year control periods. The Government set out the outputs to be secured from the railway, in the next control period, in its High Level Output Specification (HLOS) and the funds available in the form of the Statement of Funds Available (SoFA). It falls to the ORR to take a view on whether the HLOS is deliverable within the proposed funding envelope (i.e. the SoFA), and to set Network Rail challenging, but deliverable, efficiency targets over each control period. ORR will continuously monitor and hold Network Rail accountable on the performance of these targets.

3.3 While the Department also has an interest in monitoring Network Rail's performance and targets, through the ORR's assessments, it does not consider that there is value in duplicating the ORR's statutory role in relation to Network Rail efficiency.

3.4 These arrangements have secured significant efficiency gains over recent years, in addition to major safety and performance improvements. But as Sir Roy McNulty and others have emphasised, more can be done to drive Network Rail to the front rank of efficiency. The Government's March 2012 Command Paper – *Reforming our Railways: Putting the Customer First* - highlights the steps being taken by Network Rail to ensure it continues to be accountable to its customers and funders for its actions. The Periodic Review process will set the efficiency targets Network Rail must deliver by 2018-19 to move towards closing the efficiency gap identified in the McNulty Study. Network Rail is already on track to deliver £1.2 billion of efficiency savings per annum by 2014, and is due to deliver at least a further £0.6 billion per annum by 2019.

3.5 The Department will continue to liaise closely with Network Rail and the ORR to ensure that opportunities to adjust budgets are recognised and exploited where they are in the long term interests of the taxpayer. Should changes to the Control Period settlement be required, then a number of levers exist for these. A change process can be used to negotiate relatively small changes, contingent upon

<sup>1</sup><http://www.communities.gov.uk/documents/localgovernment/pdf/2110027.pdf>

the agreement of the Department, the ORR and Network Rail. The funding certainty offered by the control period process secures the best long term value for money for the taxpayer by giving Network Rail and the wider rail industry certainty over the financial environment to deliver the Government's objectives.

#### **PAC CONCLUSION AND RECOMMENDATION 4**

**It is unacceptable that Network Rail is not directly accountable to Parliament and not subject to National Audit Office scrutiny. Network Rail spends billions of pounds of public money each year, its debt of over £25 billion is underwritten by the taxpayer and international accounting conventions show that it should be considered as part of the public sector. Yet the Government continues to hide behind the Office for National Statistics classification of Network rail as a private company which keeps Network Rail's debt off the public balance sheet and its spending from direct NAO scrutiny. The Committee also notes that an additional £950 million borrowing through Network Rail formed part of the Government's plans in the Autumn Statement, further undermining the Department's argument that it is an "essentially private sector" company.**

***As the Committee has previously recommended the Department should provide the Comptroller and Auditor General with full access to Network Rail so that Parliament can scrutinise Network Rail's value for money.***

4.1 The Government disagrees with the Committee's recommendation.

4.2 Network Rail is a private sector company. This classification is determined by the independent Office of National Statistics (ONS) in line with internationally accepted standards – not by the Government. As a private company, Network Rail may choose of its own accord to invite the Comptroller and Auditor General (C&AG) to conduct an audit.

4.3 The Government believes that a private sector infrastructure manager is best placed to deliver the efficiencies that the railway needs to make if it is to thrive and grow. As with private sector companies, delivering services in other regulated industries, it is right and proper that the NAO and Parliament should hold the Department to account for the manner in which public money is used to secure public services. Additionally, the ORR is similarly accountable for the way in which it fulfils its statutory duties to regulate the industry. The Department see no benefit in duplicating through the NAO the scrutiny and oversight responsibilities that Parliament has vested in the ORR through legislation.

#### **PAC CONCLUSION AND RECOMMENDATION 5**

**The Department does not have a full understanding of the likely impact of reducing road maintenance budgets. The Department aims to make cost savings through better procurement, reducing road maintenance standards and replacing routine maintenance with less frequent but more intensive work. But the overall costs will not reduce in the long term if deterioration of the road network results in higher costs repairs in future, and there are more claims on the Department and local authorities for vehicle damage. For example, the Committee is concerned that the Department has not estimated the costs of meeting potential extra claims.**

***The Department should monitor road conditions closely with a view to avoiding increased future costs; and it should publish regular assessments which detail where it sees particular risks and how it plans to mitigate them.***

5.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** June 2012.

5.2 The Department is responsible for the Strategic Road Network while local roads are the responsibility of local authorities. For the Strategic Road Network, the Highways Agency (the Agency) has mechanisms in place which include road condition surveys, asset management plans and long term investment scenarios based on performance. These regular assessments will continue to be

reported through the business planning and annual reporting processes in the Department and the Agency.

5.3 The Department will also ensure that the Agency continues to monitor and report on the impact of the investment in maintenance, and will request regular updates. In-year and future costs will be balanced against asset condition and road user experience. The integrated asset management approach, being developed in the Agency, will form the basis of the long term investment plans.

5.4 The business plans of the Department and the Agency already contain indicators that will be reported upon annually, which will provide transparent and consistent trend information on the amount of public money spent on maintaining and operating the network, and on the condition of the strategic road network. The plans are available on the Agency's website.

5.5 Local roads are the responsibility of local highway authorities and they are best placed to use their knowledge and local accountability to decide how to prioritise expenditure across all their services including their local roads. This includes the impact of local maintenance regimes on road user compensation claims and managing these claims accordingly. The Department does, however, work with other Government Departments and the local Government sector to help improve the transparency of data relating to local highways maintenance, as a means of strengthening local accountability. The Department publishes a benchmarking tool on its website<sup>2</sup> which includes the facility for the public to compare expenditure on local road maintenance (per mile) against road conditions, by region and by local highway authority.

5.6 Increased transparency for local decisions is one element of a wider drive to improve sector performance through the Highways Maintenance Efficiency Programme (HMEP). The HMEP is funded by the Department and supports sector-led initiatives to maximise returns from local highways maintenance investment and deliver on efficiencies. This includes improving asset management, and promoting collaborative working between authorities and the private sector. As part of the programme, in April 2012 experts from the highways sector published a report "*Potholes Review - Prevention and a better cure*" setting out effective and efficient ways of dealing with and preventing potholes, which the Department has disseminated to all local highway authorities<sup>3</sup>.

#### **PAC CONCLUSION AND RECOMMENDATION 6**

**The Department has inadequate contingency plans for how it will deal with potential threats to its plans for cost reduction. The Department faces a range of risks to delivering its plans. For example, each 1% increase in inflation results in an approximately £35 million increase in the financing requirement for Network Rail. The Committee is concerned that the Department's inflation forecasts may prove to be too optimistic and that it could not provide specific details of how it would respond to a budget shortfall, should one occur.**

***The Department should develop contingency plans for how it will respond to a range of potential risk scenarios, including fluctuating inflation and failure of parts of the business to deliver their share of efficiency savings.***

6.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** July 2012.

6.2 The Department will update its contingency plans to reflect the latest assessment of financial risk in response to the Chief Secretary's letter of 23 April 2012, to all Departments, setting out a new framework for improving spending control.

6.3 The Department believes it is well placed to respond to risks to its plans. The Department manages risk in all areas of its business, and reports top level risks to the Board on a programme-by-programme and high-level cross-cutting basis. The Department's annual corporate planning process enables budgets to be re-visited within economic circumstances, taking account of risks – such as the impact that changing RPI has on both the rail financing cost and on rail fares.

<sup>2</sup> <http://www.dft.gov.uk/publications/local-authority-benchmarking-tool/>

<sup>3</sup> <http://www.dft.gov.uk/publications/pothole-review>

# Seventy Sixth Report

Department for Business, Innovation and Skills (BIS)

Reducing bureaucracy in further Education in England

## Report Summary from the Committee

Further education is delivered by over 1,000 different providers, mainly further education colleges or independent training businesses. They offer a wide range of education and training, which is funded through different government bodies. The Department for Business, Innovation and Skills (the Department) and the Skills Funding Agency (the Agency) provide funding for further education students aged 19-plus. The Department for Education and the Young People's Learning Agency fund further education for 16-to-18-year-olds. These two departments provided £7.7 billion in funding to the sector during the 2010/11 academic year. Further education providers also deliver training for people in prisons, unemployed people and some offer higher education as well.

The various government bodies that interact with the sector have different funding, qualification and assurance systems. Differences in the information required and collected create an unnecessary burden for training providers and divert money away from learners. To provide value for money, the systems need to be appropriate, efficient, avoid unnecessary duplication, and balance the protections they provide for public money with the costs of the bureaucracy they impose.

No one body is currently accountable for reducing bureaucracy in the further education sector. Instead, the two Departments and the two funding agencies maintain separate responsibilities based on their funding streams. The Department has a stated policy objective of reducing bureaucracy imposed on further education providers and the agencies work to co-operate together, but despite this, the Department's Accounting Officer would not accept overall responsibility for bringing together efforts to reduce bureaucracy in the sector. This failure leads to a poor value and uncoordinated approach, particularly in the case of data requirements.

Both the Department and the Department for Education, and their funding agencies, have launched separate initiatives designed to simplify the requirements they place on providers. However, the Department does not manage the simplification as a programme with a clear and consistent goal. While the Department has not required the Agency to reduce its own administrative costs by 33%, the Department nor the Agency has a rational view on the amount by which they would like to reduce bureaucracy in providers. Current attempts to quantify the burden on colleges will not provide a complete enough picture and the Department and the Agency do not accept that measurement of progress is necessary.

The Skills Funding Agency and the Young People's Learning Agency are confident that the changes they intend to make in simplifying their funding systems will not put public money at greater risk. But the Department and the Agencies need to demonstrate that, in devolving control and simplifying procedures their safeguards over the proper use of public money have not been weakened.

On the basis of a Report by the Comptroller and Auditor General, the Committee took evidence from the Department for Business, Innovation and Skills, the Skills Funding Agency and the Young People's Learning Agency on their approach to reducing bureaucracy in further education.

## Government response to the Committee's recommendations

### PAC CONCLUSIONS AND RECOMMENDATIONS 1 AND 4

1. There is no clear accountability for reducing bureaucracy in the further education sector. Each funding body is separately accountable for the funds it provides for further education, and no one has ultimate responsibility for bringing together efforts to reduce bureaucracy in the sector as a whole. The Department was concerned that its Accounting Officer limited its responsibility to post-19 education funding and the burdens this imposed, without accepting wider ownership for the sector. It is important that there is coherent delivery of policies across organisational boundaries and clear accountability for achieving this. Many of the issues highlighted in this report, such as those surrounding conflicting information requirements and poor coordination, stem from this lack of clear accountability.

*The Department must set out, in its accountability statement, its responsibility for bringing together the drive to reduce bureaucracy across the whole further education sector.*

4. Greater freedoms for further education providers must not put public funds at risk. The Department has three strands of work in place to deliver freedoms for the sector: reducing the number of bodies that interact with the sector; simplifying systems such as data and audit; and removing certain legal duties on colleges. The Department and the Agency believe additional freedoms will not affect the level of financial impropriety in the sector and put public funds at risk.

*The Department should set out, as part of its accountability statement, how safeguards on the use of public funds will be maintained alongside the changes they are implementing.*

1.1 The Government agrees with the Committee's recommendations.

**Target Implementation Date:** Summer 2012.

1.2 The Department will write to the Committee by summer 2012 to explain its responsibility for bringing together the drive to reduce bureaucracy across the whole FE sector, and how safeguards on the use of public funds will be maintained alongside the changes it is implementing.

### PAC CONCLUSION AND RECOMMENDATION 2

Data, funding and assurance requirements on the further education sector could still be better coordinated. The Department for Education and the two funding Agencies are all working to make their systems simpler for colleges to administer, but this work is not adequately co-ordinated. Other bodies that work with the sector, which include the Office of Qualifications and Examinations Regulation (Ofqual), the Higher Education Funding Council for England (HEFCE), the Department for Work and Pensions and the Home Office, all impose separate, and sometimes conflicting, requirements on providers. The separate efforts so far to reduce bureaucracy are welcome but the sector still finds the burden excessive.

*The Department should establish a cross government approach to harmonise the funding, assurance and information requirements placed on providers into a single system which is capable of meeting the needs of all public sector bodies that interact with providers. Further education representatives and providers should have a leading role in the design and implementation of changes.*

2.1 The Government agrees with Committee's recommendation.

**Target Implementation Date:** 2015.

2.2 The Department agrees that to provide value-for-money, the systems in place to protect public funds and safeguard learners need to be appropriate, efficient and avoid duplication. However, a single funding system is not appropriate as each Department's funding system is targeted at different groups with their own distinctive priorities and needs. For example, a full-time programme for young people is larger and includes more than just vocational qualifications, whereas adult programmes are built around the needs of adult learners.

2.3 The Department has already committed to a single funding assurance system as set out in *'New Challenges, New Chances'*<sup>4</sup>. In addition, Departments and Agencies work closely together in the sector. For example, the Skills Funding Agency and Education Funding Agency have a Joint Code of Practice for audit and together operate a single point of contact for FE providers, meaning colleges only have to talk to one person for pre and post 19 funding.

2.4 The Department expects the Whole College View project, which is measuring the cost of its bureaucracy on colleges, to improve the audit framework based on a reassessment of its current rules and audit burden. In doing this, it will look to place more trust and reliance on a college's own internal audit and financial management processes and to target its audit resource on those that appear to present a higher risk. The sector will be fully involved as the Agency takes forward these changes.

### PAC CONCLUSION AND RECOMMENDATION 3

**Different initiatives to reduce bureaucracy are not managed as a coherent programme with a clear goal. The sector finds the constant change to funding, qualification and assurance systems increases bureaucracy. The Department does not assess adequately the impact of changes on providers. It has not set a clear goal by which success on reducing bureaucracy can be measured and does not accept that measurement is necessary.**

***Given its overarching responsibility for the sector, the Department should make clear the scale of improvement being sought and establish a clear measurement framework so that progress can be assessed.***

3.1 The Government agrees with the Committee's recommendation.

**Target Implementation Date: 2013.**

3.2 The Department has set out a roadmap for reform in the FE sector to 2015. This sets out the freedoms and flexibilities that will be given to colleges and providers. Reduced bureaucracy, coupled with better value for money, is one of the key objectives of this strategy which is being delivered through fewer or smaller intermediary bodies which providers interact with, simpler systems and processes, and less regulation.

3.3 The Department's FE Reform and Performance Board (FERPB) has been extended to include all the bodies dealing with providers, such as DWP, Ofqual and HEFCE, and will coordinate and monitor cross-government efforts to reduce bureaucracy in the sector.

<sup>4</sup> <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/ff/11-1380-further-education-skills-system-reform-plan.pdf>

# Seventy Eighth Report

Department of Health (DH)

Care Quality Commission: regulating the quality and safety of health and adult social care

## Report Summary from the Committee

The Care Quality Commission (the Commission) is the independent regulator of health and adult social care in England. It was formed in 2009 from the merger of three previous regulators. It currently regulates over 21,000 care providers against 16 essential standards of quality and safety. The Commission plays an absolutely vital role in providing assurance to the public, both by ensuring appropriate quality standards and by deterring poor quality and unsafe care. The Commission takes action where it finds standards are not being met. To date, however, it has failed to fulfil this role effectively.

The Commission has more responsibilities but less money than its predecessors. Despite this it has consistently failed to spend its budget because of delays in filling staff vacancies. It is overseen by the Department of Health (the Department), which underestimated the scale of the task it had set in requiring the Commission to merge three bodies at the same time as taking on an expanded role. The Commission did not act quickly on vital issues such as information from whistleblowers. Neither did it deal with problems effectively, and the Department is only now taking action. The Committee have serious concerns about the Commission's governance, leadership and culture. A Board member, Commission staff, and representatives of the health and adult social care sectors have all been critical of how the Commission is run.

Neither the Commission nor the Department have defined what success would look like in regulating health and adult social care. This makes it hard for the Committee to know whether the Commission has the resources it needs to operate effectively. In addition, while the Commission reports what it does, it does not measure the quality or impact of its work. Where information is available, it is not presented in a way that allows the public to make meaningful comparisons between care providers. As a result, the public are unclear what the Commission's role is and lack confidence that it is an effective regulator.

The Commission faces a major challenge later in 2012 with the registration of 10,000 GP practices. In the past, the Commission's inspection work has suffered when it has had to register large groups of providers. It shifted its focus to registration and carried out far fewer inspections than planned. In the light of these problems, the Commission has changed the registration process. Registration will now be decided primarily on the information provided by the GPs themselves. GP practices will be required to declare whether or not they are meeting the essential standards. This process carries risks and the Commission must make sure the registration process is robust and provides meaningful assurance about the quality of GP practices.

The Commission's inspectors are responsible for large and varied portfolios of providers. Individual inspectors do not have sufficient support to develop the range of expertise and experience needed, and there is a lack of consistency in their judgements and in the Commission's approach to taking enforcement action. Whistleblowers have to be a key source of intelligence in helping the Commission to monitor the quality of care, but the Commission has closed the dedicated whistle blowing line that the Healthcare Commission had used.

The Commission has a long way to go to become an effective regulator. It is not ready to take on the functions of other organisations, such as the Human Fertilisation and Embryology Authority, as the Department has proposed.

On the basis of a report from the Comptroller and Auditor General, the Committee took evidence from the Commission and the Department on the Commission's management and governance, and on the Commission's operations to regulate the health and adult social care sectors.



## Government response to the Committee's recommendations

### PAC CONCLUSION AND RECOMMENDATION 1

The Department is ultimately responsible for the effective regulation of health and adult social care but has not had a grip on what the Commission has been doing. It is clear that the Commission has been struggling for some time, but only now has the Department started to take action. During the hearing, the Department's Accounting Officer set out five areas where they want to see improvements.

*The Department should turn these areas into an action plan which sets out in detail exactly what needs to be done to secure the changes required. The Department should report back to the Committee by the end of April 2012 on when the Committee can expect to see progress against each of the five areas.*

1.1 The Government agrees with the Committee's recommendation.

#### Recommendation implemented.

1.2 On 30 April 2012, the Department provided details to the Committee of how action will be progressed against the five areas set out by the Permanent Secretary during the Committee's hearing. In addition to this, the Department and the Care Quality Commission (CQC) have provided the Committee with a copy of CQC's action plan for meeting the recommendations of the Department's Performance and Capability Review, which takes account many of the points raised by the Committee.

1.3 The Department's Performance and Capability Review provided a comprehensive assessment of CQC, and set out recommendations for CQC and the Department on where improvement actions are needed. However, the review also found evidence of continuous improvement in operations and a clearer sense of a single organisation and since early last year, CQC has developed greater internal clarity on its role and purpose i.e. to ensure compliance with essential standards. The Department and CQC accept there have been operational difficulties and are learning important lessons from these, which will in turn be applied to the establishment of bodies in the new system architecture. Department Ministers are determined to continue to see improvement in CQC and are monitoring progress closely.

1.4 The Capability Review also found that "...the relationship with the Department is generally good, with regular contacts at working level and a good exchange of information." When CQC has raised concerns with the Department, such as over the timing of GP registration in spring 2011, the Department took swift action to change legislation to allow CQC more time to prepare. As the Department and CQC have been addressing concerns for some time, the Department does not agree with the Committee's conclusion that it has only recently begun to take action.

1.5 The Department and CQC are committed to delivering on-going improvements to the regulator, including a renewed board, strengthened risk management and enhanced resource prioritisation. Work is also underway within CQC to more clearly define what "successful" regulation looks like and how the Commission can demonstrate it is delivering that success. Finally, the Department has been working with CQC since 2010 on reviewing the regulations, to ensure the regulations are coherent, effective and efficient. The first set of legislative changes arising from this process will come into effect at the end of June 2012.

### PAC CONCLUSION 2

The Commission has been poorly governed and led. The Commission has failed to strike the right balance between registration and inspection. A Board member, Commission staff and representatives of the health and adult social care sectors have raised serious concerns about the Commission's leadership, governance and culture. The Commission is regarded as overly focused on reputation management and has included gagging clauses in its severance deals with staff. Such clauses discourage people from speaking out and making public information that would help drive improvement and hold the Commission to account. The errors in the Commission's annual report to Parliament also raise questions about the effectiveness of governance and internal control.

## PAC RECOMMENDATION 2

***The Department should carry out a fundamental review of the adequacy of the Commission's current governance and leadership, take action to strengthen these areas and hold the Commission and its senior management to account.***

2.1 The Government agrees with the Committee's recommendation.

**Recommendation implemented:** The Department's Performance and Capability Review, which was published in February 2012, included a fundamental review of CQC's governance and leadership.

**Target implementation date:** A new board structure will be in place by October 2012.

2.2 In February 2012, the Department published its findings from the Performance and Capability Review of the Care Quality Commission<sup>5</sup>. The Review gathered evidence from CQC staff and stakeholders including the Board, working closely with CQC throughout. The Review also considered findings of the recent NAO<sup>6</sup> and Health Select Committee<sup>7</sup> reports. In considering the adequacy of CQC's current governance and leadership in the section on Accountability, the Review also considered CQC's strategy, resources and prioritisation, engagement and communications and the development and delivery of the regulatory model. The Review sets out recommendations for both the Department and for CQC.

2.3 Although the Capability Review noted that the CQC leadership could have done more to manage operational risks and provide strategic direction, it also recognised the Commission's achievements are considerable and should not be underestimated. The achievements noted by the review include managing the merger of three organisations as well as registering over 21,000 providers and carrying out over 14,000 compliance reviews. The Review also makes clear that the leadership has undergone a shift in gear since spring 2011 and is now demonstrating greater confidence and challenge. In response to the Review, CQC has published an action plan<sup>8</sup> which sets out its response to the recommendations of the Review, more specifically CQC's intention to review their internal corporate governance framework, including improvements to risk and management information. The action plan also reviews CQC's Board development programme with a view to having new processes in place by October 2012.

2.4 The Department has already taken steps to strengthen the Board by initiating recruitment of new Board members to widen skills and capability, and by reviewing the Board structure. New appointments to the Board are expected to be in place by June 2012, with plans to move to an unitary structure. In addition, as the Department moves towards a new system for health and social care, it is putting in place revised governance arrangements to ensure the necessary synergies and common purpose to operate the new system.

2.5 On the matter of "gagging clauses" the CQC has clearly stated that compromise agreements were signed for the benefit of individuals and staff, and that the CQC is obliged to ensure people get legal advice before signing such an agreement. Compromise agreements can require ongoing confidentiality, as implied into every employment relationship, but they cannot 'gag' individuals, and the agreements did not prevent them from giving evidence to the Mid Staffordshire Inquiry. Any compromise agreement containing a clause, which seeks to restrict the ability of an individual to make a protected disclosure, would be totally inappropriate and the clause would legally be void.

<sup>5</sup> <http://www.dh.gov.uk/health/2012/02/cqc-performance-review/>

<sup>6</sup> [http://www.nao.org.uk/publications/1012/care\\_quality\\_commission.aspx](http://www.nao.org.uk/publications/1012/care_quality_commission.aspx)

<sup>7</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/health-committee/news/11-09-14-cqc-report-news-/>

<sup>8</sup> DN: insert link to action plan

### PAC CONCLUSION AND RECOMMENDATION 3

The Commission's role is unclear and it does not measure the quality or impact of its own work. The Commission's objective, as set out in legislation, is to 'protect and promote the health, safety and welfare of people who use health and social care services' but it has not defined what success in delivering this objective would look like. It is unclear to what extent the Commission's role involves improvement beyond the essential basic standards of quality and safety. Although the Commission is a Quality Commission it only measures itself against quantitative, activity-based performance measures, with no measures of quality or impact.

*The Commission, working with the Department, should set out clearly what it is seeking to achieve and develop measures of quality and impact which can be used to assess its effectiveness.*

3.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** Review of data effectiveness to be completed by April 2013.

3.2 While CQC need to be clear on how it carries out its functions within the system, the Department has ultimate responsibility for overall system design. To help address the uncertainty on CQC's role, the Department, through the National Quality Board, intends to build on work already underway with CQC and others to develop explicit statements as to the distinctive roles of national bodies in assuring quality and providing incentives for quality improvement by autumn 2012.

3.3 CQC will publish, in December 2012, a new strategy, which will set out more clearly CQC's role, its aims and the measures of success. The strategy will be tested extensively with the public and stakeholders, as part of a full consultation during summer 2012.

3.4 In April 2012, CQC published a scorecard based on success measures in its business plan such as progress towards an inspection target and achievement of target time limits for registering new applications. These success measures will be developed alongside the strategy. Some of these measures are proxy measures and whilst they may reflect improved efficiency, they may not address the issue of impact. Therefore, CQC is also undertaking a review of the processes and supporting IT systems used to define, collect and confirm organisational performance data. The output from this review will set out the system and processes required to support future operational and organisational needs.

3.5 CQC is implementing information system improvements that will allow CQC, at individual inspector level, to capture and analyse decisions that led to inspection activity and resulting judgements about compliance. This and other information, such as the amount of time taken to deliver an inspection, and feedback from providers, will allow the Department and CQC to monitor and review its effectiveness as a regulator. These changes will be completed by September 2012, which will allow CQC to gather the first set of data on effectiveness by December 2012. A further review will be undertaken by April 2013.

### PAC CONCLUSION AND RECOMMENDATION 4

The information provided to the public on the quality of care is inadequate and does not engender confidence in the care system. The Commission does not collate data on enforcement action, and does not present its assessments in a way that gives the public a clear picture of the state of care available. Residential care homes are no longer awarded star ratings, which previously helped the public to differentiate between providers.

*The Commission should collect and publish data on enforcement, together with information on the extent to which providers in particular areas are meeting the essential basic standards to allow the public to get a national, regional or local picture of the state of care. In addition, the Department should address the gap left by the removal of star ratings.*

4.1 The Government agrees with the Committee's recommendation.

**Recommendation implemented:** CQC's new website already has a clear system of ticks and crosses that indicate to the public whether a provider is meeting essential standards. It was extensively publicly tested.

4.2 The CQC currently publishes an annual 'state of care' report, which provides an overview of compliance and enforcement action across all sectors. From May 2012, it has also published a quarterly update of this information in order to provide to the public a more up-to-date picture of compliance, enforcement and performance activity and to better identify emerging trends.

4.3 To address the removal of star ratings, the Department held the 'Caring for our Future' engagement exercise at the end of 2011. This engagement considered how to stimulate continuous improvement in social care and the role of the regulator in this agenda. Responses to the engagement have informed the Care and Support White Paper, which will be published in June 2012.

#### **PAC CONCLUSION AND RECOMMENDATION 5**

**The registration of GP practices must involve a meaningful assessment of compliance with the essential standards of quality and safety. The proposed process will involve GP practices declaring areas where they are not compliant, and the Commission told us that it will seek to draw on other sources of information to indicate which practices give rise for concern. The Committee is not convinced that this approach will work in practice, particularly given the number of GP practices to be registered, and the Commission risks becoming simply a post box.**

***The Commission should review and set out how it will make sure that the assessment of GP practices is meaningful. It should develop clear criteria to use to judge when it needs to undertake further investigations before a practice can be registered.***

5.1 The Government agrees with the Committee's recommendation.

**Target implementation date:** Completion of GP registration by April 2013.

5.2 The registration of GP practices by the Commission will provide assurance that these providers are meeting and will continue to meet essential levels of safety and quality. The Department accepts that the process of registering GP practice should be meaningful. The Commission will carry out a compliance pilot with GP practices in two regions in 2012 and this pilot will inform CQC's approach to registration. CQC's engagement with GPs ahead of registration has been extensive. CQC has a sectoral advisory group and an online community which has commented on and helped it improve its documentation for GPs registering.

5.3 The Commission also has groups helping design the streamlined online registration system which is significantly simpler and more tailored than previous tranches of registration. Over 450 people have been involved in web chats to explore what registration means for them. Additionally, CQC co-produced its engagement plan with key stakeholders and issued its guidance documents far earlier to GPs as a result.

5.4 Registration is not automatic. The CQC has to make a judgment as to whether applicant providers have made credible legal declarations that they will meet the essential standards and that they are fit to provide care services. CQC intends to review every registration application in conjunction with information from other sources including the General Medical Council (GMC), the Criminal Records Bureau (CRB) and from whistleblowers. Assessing applications is only the start of the process. CQC has criteria which will prompt its GP registration assessors to look more closely at certain applications. These include issues with GMC registration, information of concern from the Primary Care Trust cluster and whistleblowing correspondence. CQC will follow up in each case and where it has concerns, will visit the practice and conduct an interview.

5.5 Once registered, GP practices are required to continue to meet the essential standards of care quality and safety and the Commission has a range of enforcement powers that it can use to address non-compliance. Providers of primary medical services will be inspected by the Commission at least

once every two years, and it is through this regular inspection process, as much as through initial registration, that the Commission will identify and address non-compliance by GP practices.

#### **PAC CONCLUSION AND RECOMMENDATION 6**

**There are inconsistencies in the judgements of individual inspectors and in the Commission's approach to enforcement. The Commission's own internal auditors found variations in how inspectors assess risk and the Committee received evidence that there is insufficient focus on both the quality and consistency of inspectors' work. In addition, the approach to enforcement is variable, with action more likely to be taken against care homes than hospitals.**

***The Commission should provide training and guidance to inspectors that specifically addresses the risk of inconsistent judgements in inspections and enforcement, and should use performance data to monitor trends and identify areas of concern.***

6.1 The Government agrees with the Committee's recommendation

**Target implementation date:** Evaluation of the use of specialist expertise to be completed by December 2012.

6.2 CQC is making significant enhancements to its compliance regime. These will be completed by September 2012 and include a new framework for risk, which will enable inspectors to assess risk in a timely and systematic way.

6.3 CQC is recruiting a team of Quality, Risk and Assurance Managers to work with inspectors to ensure levels of consistency and quality are maintained. The managers will work within a quality framework, reporting internally on the quality checks being undertaken and identifying potential improvements. These arrangements will be embedded in a revised corporate governance framework aimed at strengthening decision making within CQC and the way in which risks are escalated to Board level.

6.4 CQC has an eight-week training and induction programme for new inspectors, designed to equip them with a thorough understanding of how to make judgements about compliance and appropriate enforcement action. This includes spending time shadowing experienced compliance inspectors. All inspectors have access to formal and informal support to aid them in making robust decisions.

6.5 CQC will introduce clearer information for inspectors from June 2012, including guidelines on what triggers the need for specialist involvement. CQC will evaluate the use of clinical and professional associates and experts by experience once the new guidelines are in place. This evaluation will be completed by December 2012 and will inform a decision on whether the right balance has been struck on use of specialist expertise.

#### **PAC CONCLUSION AND RECOMMENDATION 7**

**The Commission must strengthen its whistleblowing arrangements. Whistle blowing information from staff and the public should be a key source of intelligence about the quality of care, and the number of whistleblowers has increased dramatically since the Winterbourne View case came to light in May 2011. However, the Commission expects callers to use its general enquiry line, which may discourage whistleblowers and not give them the specialist support they require.**

***The Commission should re-establish a dedicated whistleblowing line, operated by specialist staff, and publicise it widely.***

7.1 The Government does not agree with the Committee's recommendation.

7.2 The CQC has already strengthened its arrangements for dealing with whistleblowing. A dedicated team of call handlers are trained to deal with whistleblowing calls and are responsible for

tracking contacts through to a satisfactory conclusion with CQC inspectors. Since this specialist team was set up in June 2011, it has dealt with over 4200 contacts. The CQC has never closed a dedicated whistle blowing telephone line and has already made this clear in the evidence it submitted to the Committee. Whistleblowing concerns can be raised with CQC through its public contact phone line.

7.3 The CQC has guidance<sup>9</sup> about whistle blowing, including how to raise concerns with the Commission. CQC is also working with partners in the sector, including the Nursing & Midwifery Council (NMC), General Medical Council (GMC), The Royal College of Nursing (RCN) and the British Medical Association (BMA) to further strengthen joint work and to more widely publicise the value of whistleblowing. CQC hopes to communicate more on this to the public in May 2012.

#### **PAC CONCLUSION AND RECOMMENDATION 8**

**The Department is proposing to transfer to the Commission the functions of other organisations, including the Human Fertilisation and Embryology Authority, which regulates IVF services. In the Committee's view, the Commission does not have the capacity to take on oversight of such a complex area, and the change would undermine its ability to focus on the improvements it needs to make in relation to its existing regulatory functions.**

***The Commission should not take on the functions of the Human Fertilisation and Embryology Authority at this time.***

8.1 The Government does not agree with the Committee's recommendation.

8.2 The Department's Report *Liberating the NHS: report of the arm's-length bodies review*<sup>10</sup> recommended that the functions of the Human Fertilisation and Embryology Authority (HFEA) and Human Tissue Authority (HTA) should be transferred to CQC and the new research regulator (the Health Research Authority), with a limited number of functions potentially transferring elsewhere. The report noted that further work was required to develop detailed proposals with a view to bringing forward legislation by 2015. The Department proposed that both Authorities remain as independent arm's-length bodies in the short term.

8.3 The Department has made a commitment to undertake a full consultation on options before making any decisions. Any transfer of functions would be accompanied by an appropriate transfer of expertise.

<sup>9</sup> <http://www.cqc.org.uk/contact-us#tab-2>

<sup>10</sup> [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_117691](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_117691)



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