

Statement on requests to access inspection notes

CQC is committed to being open and transparent with the providers and services that we regulate. We will always look to provide explanation and information to providers in relation to our regulatory findings and judgements. This is usually delivered through our reports, notices, and (in relation to enforcement activity) evidence bundles.

Where a provider requests access to contemporaneous inspection notes, we consider these requests on a case by case basis. We do not consider that providers have an automatic right of access (above and beyond the general public's rights under the Freedom of Information Act 2000) and we do not consider that access to notes is necessary for providers to make effective representations as part of the factual accuracy process.

In considering requests we will balance our commitment to transparency against potential impacts and prejudices arising from disclosure. In particular, we consider whether disclosure would breach the confidentiality of any person (in particular, people who use services, relatives and provider staff who have shared information with CQC in a reasonable expectation of confidentiality) and whether disclosure would prejudice the exercise of our regulatory functions.

Reviewing notes to identify and redact such information places a significant burden on CQC, and this is another factor that we consider when deciding whether and how to comply with a request to access our notes. As more and more providers have begun to seek access to inspection notes, and as the size of our inspection teams has increased to deliver more robust inspections, this has begun to pose a significant challenge to the resources of CQC. CQC has a duty to the public to ensure we use our limited resources in an efficient way.

We will still continue to engage with providers and consider requests for access on a case by case basis. We are more likely to consider it proportionate and a justifiable use of CQC's resources to respond to targeted requests for information where providers need further explanation and information in relation to specific regulatory findings and judgements.

Our guidance will shortly be updated to reflect this change in position.