

  
15 July 2024

Dear Dr Karen Henderson,  
HM Assistant Coroner for West Sussex, Brighton, and Hove

**Re Regulation 28 Report Prevention of Future Deaths Report.**

We write further to the Regulation 28 report that you made following the inquest into the sad death of Mr David Bryan Moore. Under Section 5 of your report entitled Coroners Concerns you noted: 1. *“Guidelines for the anaesthetic and/or Intensive Care management of a flanged tracheostomy tube”* and that this relates to an *“ongoing risk that future deaths could occur unless action is taken.”*

As you are already aware the Care Quality Commission (CQC) is the independent regulator of health and adult social care in England. We make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve. We monitor, inspect, and regulate services and publish what we find. Where we find poor care, we will use our powers to act.

All providers must comply with the regulations as set out in The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (RAR 2014). The regulations that would be most relevant to any reviews around acute care of patients in hospital would include, but not be limited to, the following:

- Regulation 9 (Person-Centred Care)
- Regulation 12 (Safe Care and Treatment including the safe use of medicines)
- Regulation 17 (Good Governance).

As part of our assessment of providers CQC routinely checks the management of services in respect of leadership, governance, staff levels, staff competency and training, policies and procedures, and environment and equipment provision. We include on our website guidance for providers on our role and the regulations: <https://www.cqc.org.uk/guidance-providers/nhs-trusts>.

We have given careful consideration to the concerns raised and have come to the conclusion the concerns identified, namely; ‘that there is a lack of guidance for the anaesthetic and/or Intensive Care management of a flanged tracheostomy tube’ regrettably sits outside of CQC remit.

As our role is to monitor, inspect and regulate services we assess the application of national guidance within a trust. We do not write guidance on how to safely care or support people directly ourselves. In this instance, any additional national guidance in relation to adjustable flanged tracheostomy care would be assessed by us for its application when relevant, on our assessment and/or engagement with acute services.

As a regulator we can provide a unique view on the quality of health and adult social care in England, helping to share learning and encourage improvement across the sectors. We carry out and publish reviews and specific assessment programmes that focus on particular aspects of health and social care, including:

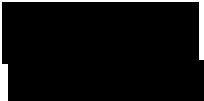
- the experiences of certain groups of people;
- how different services work together to care for people; and
- the quality of particular services, or all services, in an area.

None of these reviews or reports include the writing of specific pieces of guidance.

Other bodies who may be able to assist with the writing of specific guidance could include the Association of Anaesthetists Great Britain and Ireland, the Royal College of Anaesthetists or Health Education, England, all of whom I note have been included in your report.

Should you require any further information then please do not hesitate to contact us.

Yours sincerely,

A black rectangular box redacting the signature of the Deputy Director of Operations.

Deputy Director of Operations