



**Health  
Information  
and Quality  
Authority**

An tÚdarás Um Fhaisnéis  
agus Cáilíocht Sláinte

Regulation and Monitoring  
of Social Care Services

# Submission of feedback (right of reply) on a draft inspection report

March 2025

*Safer Better Care*

## Introduction

This standard operating procedure (SOP) has been developed by the Chief Inspector to support a provider's right to submit written feedback<sup>1</sup> on a draft inspection report in accordance with Section 77A of the Health Act 2007 as amended. The procedure outlines

- what can be included in the feedback process
- how feedback is managed by the Chief Inspector
- how issues raised that are not related to the content of the report will be managed.

It should be noted that this SOP does not apply to the post-inspection engagement you may have with the lead inspector.

## What is feedback?

The feedback process gives providers an opportunity to request correction of incorrect facts, known as factual accuracy, and to query the contents of the report where they believe the examples of evidence presented do not adequately explain an inspector's judgments or where they believe the judgment of the inspector is disproportionate to the evidence presented.

The feedback process is not a forum for a provider to provide an alternative or contrary opinion nor to suggest alternative wording for the draft report. Instead, the provider may provide feedback if they are satisfied that the evidence presented and the judgments reached are not proportionate, not explained adequately or where information is factually inaccurate.

The feedback process should also not be used to raise legal matters or other arguments not related to the contents of the draft inspection report as they relate to the inspection.

Feedback is also not accepted on any aspect of the inspection report template or the structure of the report.

### **Example of valid feedback related to the content of the draft inspection report**

#### **Regulation 16:** Factual inaccuracy:

The draft report states that 80% of staff had received fire safety training on the date of the inspection. In fact, 95% of staff had received this training on the date

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<sup>1</sup> Referred to as "written submissions" in section 77A of the Health Act 2007, as amended

of the inspection. Evidence of this was presented in writing to the inspector as requested on the day of the inspection.

**Example of issues raised in feedback not related to the content of the draft inspection report and, therefore, not valid feedback**

**Commentary or legal argument on the statutory function of the Chief Inspector:**

The inspection was carried out by the Chief Inspector in the exercise of her statutory function under Section 41(1)(c) of the Health Act.

This provision permits the Chief Inspector, solely, during the inspection, to assess the compliance of the Registered Provider with:

1. ministerial regulations made by the Minister for Health pursuant to the Health Act; and
2. standards adopted by the Health Information & Quality Authority (“**HIQA**”) pursuant to Section 8 of the Health Act.

## How to respond to draft inspection report

We will email the registered provider (and cc the person in charge) the draft inspection report, together with a feedback form template.

You must ensure we have the correct email address for your centre or service. If you make any changes to the contact details, make sure to inform the Office of the Chief Inspector of these changes through the appropriate channels.<sup>2</sup>

You should:

- detail what you believe to be each factual inaccuracy, indicating the section of the report and page number  
and/or
- detail your feedback on the report indicating the section of the report and page number and explain why you believe the evidence presented is not accurate or why the judgment is not proportionate to the evidence presented.

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<sup>2</sup> Please refer to [Registration Handbook for notifications in relation to change of contact details](#) provided [for the registered provider entity](#).

## Time frame for feedback

Providers have 21 calendar days<sup>3</sup> to provide feedback on a draft inspection report.

This time frame will only be extended in exceptional circumstances. You should contact your case-holding or lead inspector in writing with the reason why you are requesting an extension. The Chief Inspector or delegate will use their discretion in each case to determine if such an extension is granted.

For your convenience, written feedback can be made using the feedback form issued by the Chief Inspector.

## What is accepted as feedback?

- Typographical or numerical errors or, for example, incorrect job titles or number of bedrooms.
- Information that has contributed to a judgment, but which the provider believes is factually inaccurate. You will need to provide supporting evidence. This ***must relate*** to the position at the time of the inspection.
- Additional information or information you believe was omitted from review at inspection but which you believe is relevant. For example, fire risks were identified at the inspection, and reported upon; however, you as the provider had already identified these risks and had developed an action plan, which would address these risks, and this action plan was not reviewed at the inspection. This ***must be relevant*** to the circumstances at the time of the inspection.
- Please note that we do not report every item of evidence seen or gathered during an inspection. The inspection report contains a summary of the evidence and provides examples of the evidence gathered in order to illustrate and support our judgments. There may, therefore, be occasions when you provide supporting evidence that has already been considered, but which has not been mentioned in the report.
- The draft report is based on the evidence we collected during our assessment. You can also send us information about actions you have taken since the inspection in response to immediate or urgent risks that were highlighted during the inspection and when these risks were reflected in the draft inspection report. The inspector will consider any further information

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<sup>3</sup> Please note that while we await updates to our IT the date contained in the email with the draft report calculates the return of feedback due date as 15 working days, which may be longer than 21 calendar days if a public holiday is included. In all cases, you will be afforded at least 21 calendar days.

you send us and determine whether the report should be amended to include this additional information.

Unless there are exceptional circumstances, no new information will be accepted. The Chief Inspector will use their discretion in such circumstances.

## **The management of feedback by the Chief Inspector**

Feedback is managed by the Chief Inspector in line with the principles of fair procedures.

The lead inspector will review the completed feedback form received from the provider. Any areas not relevant to the content of the report will not be considered and will be marked by the notation 'Out of scope for feedback'.

The lead inspector will review the in-scope feedback regarding the draft report and the recorded evidence gathered during the inspection. If there was more than one inspector on the inspection, they may confer with the support inspectors. The inspector may discuss the feedback with the regional manager, Deputy Chief Inspector or Head of Programme and if required with the Chief Inspector.

If the feedback is unclear the lead inspector may contact the provider by telephone or email to seek additional clarity on the points raised in the feedback.

Having reviewed the feedback the inspector can:

1. Accept or reject each factual inaccuracy identified and if necessary correct factual accuracy matters in the report but leave the judgments unchanged.
2. Accept the feedback and amend the report, which may or may not include a change to the judgment
3. Partially accept the feedback and amend the report, which may or may not include a change to the judgment
4. Reject the feedback where the evidence gathered on inspection through observation, discussion and review of records supports the judgment and make no changes to the report.

The decision of the inspector will be recorded in the feedback form which will be returned to you for information purposes only when the final report is being issued to you for information.

You should usually receive the final report within 15 working days of receipt of your feedback. Where there is any delay in this process you will be contacted by email by the inspector and advised of the expected date for the final report.

No other draft report will be issued to you. If you do not provide written feedback within the 21-calendar-day time frame from the draft report being issued to you, the final report will be issued to you<sup>4</sup> after which it will be published on HIQA's website.

No further feedback will be accepted on a final report. In accordance with Section 77A, the final report will be published by the Chief Inspector on HIQA's website.

### **Example of possible outcomes from a review of feedback**

#### **Example**

During an inspection, the inspector requests a copy of the risk management policy. A senior member of staff tells them there is no policy. The inspector includes this information in the draft report and also in the judgment on this regulation. It is also included in the compliance plan.

#### **Feedback outcome 1:**

As part of the feedback process, the provider sends this policy to the inspector, stating that it did exist at the time of the inspection but that the manager was new and did not know where to locate it. The inspector is satisfied that the document was available at the time of assessment so amends the report to include this information in the report but also that it was not available to the inspector on the day of inspection. The inspector will also review the judgment on the regulation to determine if this new information is sufficient to change the judgment on the regulation.

#### **Feedback outcome 2:**

As part of the feedback process, the provider sends this policy to the inspector, but the inspector notes that the date of approval of the policy occurred after the inspection. The inspector does not include this feedback as the report accurately describes that the policy was not available to the inspector on the day of the inspection. In the feedback form returned to the provider, the inspector notes that the date of approval of the policy occurred after the inspection.

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<sup>4</sup> Subject to any additional notes which are included in the final published version of the report relating to the compliance plan responses, if any.

## **Issues that are not related to the content of the report and which do not constitute valid feedback on the draft report**

The feedback process is not the appropriate forum to raise issues on any of the following matters:

### **Any matters not related to the findings of the inspection or the judgments on compliance with the regulations will be rejected such as:**

- legal arguments or commentary about the provisions of the Health Act 2007 as amended and in particular section 2 or Parts 7 to 10 of the Health Act 2007 as amended
- any commentary not related to either factual inaccuracies or the regulatory judgments contained within the draft inspection report
- any feedback on a final inspection report
- any reference to any other designated centre, any other registered provider or third party adviser or consultant or to advice provided by such adviser or consultant
- Correspondence issued to a registered provider not related to the inspection and or correspondence issued to any other registered provider.

### **Matters dealt with under other processes:**

- any matter which is or has been the subject of an independent inquiry or legal proceedings
- any matter relating to a third party who believes they are adversely mentioned in an inspection report; for example, a visiting health professional<sup>5</sup>
- any matter relating to the conduct of inspectors of social services<sup>6</sup>
- any matter previously dealt with under the HIQA Complaints Policy
- any written representations made by a provider to a notice of proposed decision of the Chief Inspector under the Health Act 2007 as amended
- any submission from a provider's representative body on an issue of general concern<sup>7</sup>

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<sup>5</sup> Any person who believes himself or herself affected in this way should raise the matter directly with the inspector who is responsible for compiling the report.

<sup>6</sup> These matters will be dealt with under the HIQA Complaints Policy.

<sup>7</sup> This should be raised through the established stakeholder engagement forum.

- any unnecessary personal data relating to a resident, a staff member or any other person. The registered provider should ensure that all unnecessary personal data is removed from the feedback form prior to submitting it to the Chief Inspector.

Any matters not in line with this procedure will not be considered as part of the feedback process. The feedback form will be marked *Out of scope for feedback*.

The Chief Inspector also reserves the right to reject any frivolous or vexatious feedback where the Chief inspector reasonably believes such feedback was not made in good faith. This may include, for example, a registered provider who repeatedly includes out-of-scope matters in the feedback process.



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