

# Fundamental Standards



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*Event*  
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# Our purpose and role





## Our purpose

We make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve

## Our role

We monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and we publish what we find, including performance ratings to help people choose care

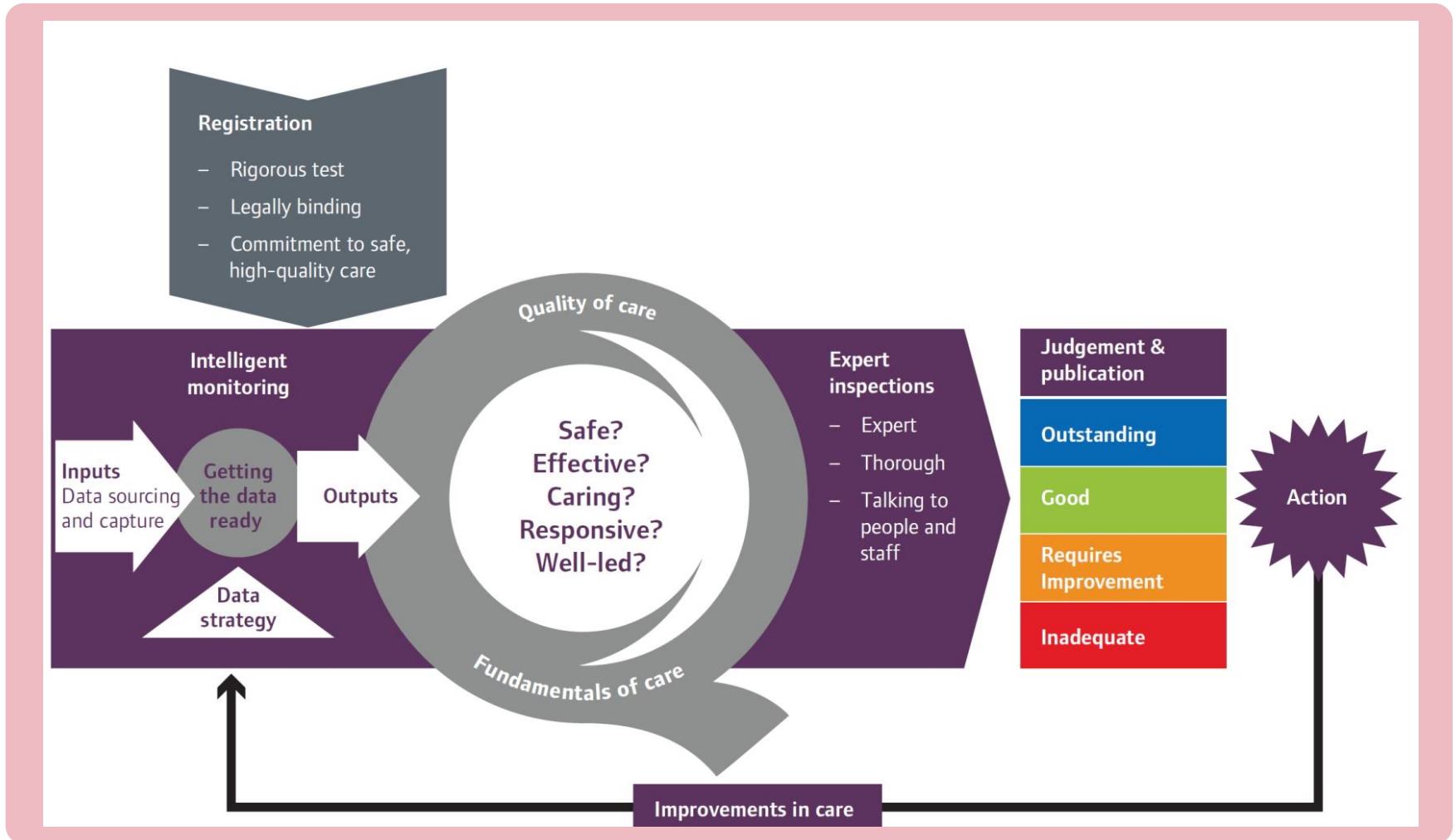


**Raising standards,  
putting people first**

Our strategy for 2013 to 2016

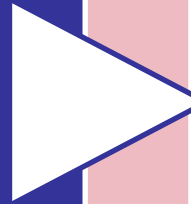


# Our new approach



## Current regulations

- Care and welfare of service users
- Assessing and monitoring the quality of service provision
- Safeguarding service users from abuse
- Cleanliness and infection control
- Management of medicines
- Meeting nutritional needs
- Safety and suitability of premises
- Safety and suitability of equipment
- Respecting and involving service users
- Consent to care and treatment
- Complaints
- Records
- Requirements relating to workers
- Staffing
- Supporting workers
- Cooperating with other providers



## New Regulations

- Person-centred care
- Dignity and respect
- Need for consent
- Safe care and treatment
- Safeguarding service users from abuse
- Meeting nutritional needs
- Cleanliness, safety and suitability of premises and equipment
- Receiving and acting on complaints
- Good governance
- Staffing
- Fit and proper persons employed and
- Fit and proper persons requirement for directors
- Duty of candour

# When does it all come into effect?



## Fundamental Standards

- All providers from April 2015

## Duty of Candour

- NHS Trusts from late 2014 and all providers from April 2015

## Fit and proper person requirement

- NHS Trusts from late 2014 and all providers from April 2015

## Enforcement policy

- All providers from 2015

Duty of  
candour

A new requirement to tell people who use services when something goes wrong and to apologise

Fit and  
proper  
person  
requirement

A new requirement that directors and non-executive directors are of good character and properly qualified and capable of doing the job

## Duty of candour

- Providers must be open and honest with people when things go wrong with care and treatment. Providers must give them reasonable support, truthful information and a written apology.
- Providers must have an open and honest culture at all levels and have systems in place for knowing about notifiable safety incidents. The provider must keep written records and offer reasonable support to the patient or service user in relation to the incident.
- A requirement to be candid is already in the NHS contract so, in theory, NHS trusts should already be fostering a culture of openness and honesty. The duty of candour means CQC can take enforcement action against trusts that don't satisfy these requirements.

## Fit and proper person requirement

- Providers must take proper steps to ensure that their directors (both executive and non-executive) are fit and proper for the role.
- Directors must be of good character, physically and mentally fit, have the necessary qualifications, skills and experience for the role, and be able to supply certain information (including a Disclosure and Barring Service check and a full employment history). Those who are unfit will include individuals on the children's barred list or the adults' barred list. They must not be prevented from holding a director's post under other laws like the Companies Act or Charities Act.



# Our enforcement powers



Severity

- Requirements (formerly known as compliance actions)
- Warning notices
- S.28 warning notices

Protect people who use services by requiring improvement

## Civil enforcement powers

- Impose, vary or remove conditions of registration
- Suspension of registration
- Cancellation of registration
- Urgent procedures

## Failing services

- Immediate action to protect from harm
- Time-limited “final chance”
- Coordination with other oversight bodies

Protect people who use services by forcing improvement

**Not an escalator – more than one power can be used**

## Criminal powers

- Penalty notices
- Simple cautions
- Prosecution

## Holding individuals to account

- Fit and proper person requirement
- Prosecution of individuals

Hold providers to account for failure