



Department
of Health

Fundamental Standards

Our consultation: Easy Read



January 2014

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Introduction

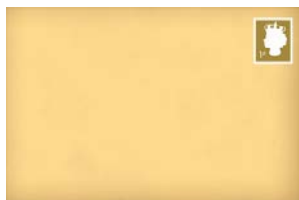
	<p>What happened at Mid Staffordshire Hospital was terrible. Care was very poor and patients were not treated well.</p>
	<p>People are entitled to have good quality and safe care.</p> <p>We are making new laws or rules about the basic level of good care a service must meet. These rules are called Fundamental Standards</p>
	<p>The Care Quality Commission (CQC) wants to make sure health and social care services give people, safe, kind and good care.</p> <p>CQC check services to make sure they pass the Fundamental Standards</p>
	<p>This booklet sets out our plans to change the law (the regulations) and asks for your opinions</p>

	<p>These changes will make it easier for the Care Quality Commission to take action where care is poor.</p>
	<p>They will also give people a better idea of what to expect from their hospital or care home.</p>

What we plan to do:

	<p>We want to hear what you think about our plans.</p>
	<p>Please tell us what you think by 4 April 2014</p>
	<p>You can use the answer booklet to send in your views.</p>

How you can contact us:



You can tell us by sending your reply to :



Email:



cqc.regulations@dh.gsi.gov.uk



Or write to:

Fundamental Standards Consultation
c/o John Culkin
Room 2E11
Quarry House
Quarry Hill
Leeds,
West Yorkshire
LS2 7UE

Why are we making these changes?

	<p>We want to make it clear to everyone that there are some standards of safety and quality that should always be met.</p>
	<p>We want to make sure that any organisation that provides care is able to meet these standards.</p> <p>This will help to keep people safe.</p>
 	<p>The standards will apply to:</p> <ul style="list-style-type: none">• all hospitals• care homes• GP practices• dentists in England,• and some other services.

	<p>We also want to make sure that the Care Quality Commission can take action quickly if they find that organisations are not meeting these standards</p>
	<p>We want to use the law to stop services that break rules about health and safety.</p>
	<p>We want to make it clear to everyone what good and safe care is.</p>
	<p>We also want to make sure that the new laws we make do not make things more difficult or more expensive for organisations.</p>

Previous consultation and our response

 A group of four people (three men and one woman) are standing and engaged in a discussion. One man is gesturing with his hands while speaking to the others.	<p>We asked for people's opinions on the fundamental standards in a consultation in summer 2013.</p> <p>This section explains what we heard from you.</p>
 A woman with short blonde hair, wearing a dark blazer, is pointing her right index finger at a list on a whiteboard. The list has three numbered items, each followed by a horizontal line for a response.	<p>The summer consultation included a list of suggested fundamental standards:</p> <p>People told us that they liked this list.</p>
 A group of six people (three men and three women) are gathered around a large, circular digital screen. They are all looking at the screen with interest, and some have their hands near it, suggesting they are interacting with the content.	<p>People also told us there are other things that should be added to the list, like:</p> <ul style="list-style-type: none">• Being treated with dignity and respect, including an emphasis on equality, diversity and human rights.• Involving people in care planning.• Involving friends, family and carers in decisions/planning of care.

	<ul style="list-style-type: none"> • Being listened to. • Communicating in a way people understand.
	<p>Most people thought that all of the things on the lists above were important</p> <p>We will try to make sure they are all covered in the Fundamental Standards</p>
	<p>We asked whether people thought the things in the list were clearly written.</p> <p>Most people thought the list was clear.</p> <p>But some said that they would also need to see some more information to properly understand some of the things in the list.</p>
	<p>We also asked whether the things in the list would apply to all kinds of care settings – like hospitals, GP practices and care homes.</p> <p>People had different opinions on this. Some thought all of the standards will apply in all different kinds of settings.</p>

	<p>But other people thought that some of the standards would not apply in some places.</p> <p>We will try to make sure that the fundamental standards only apply where they need to.</p>
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What are we proposing?



We have looked at what people told us in the last consultation.

We have worked with our lawyers to draft new laws on the fundamental standards



This section explains what we want the new laws to do.



We have written some new draft standards to clearly explain the standards of care that services should meet.

What are the new standards?

The new draft standards are:

1) Care and treatment must reflect service users' needs and preferences.

This means people's needs and views must be taken into account.

2) Service users must be treated with dignity and respect.

This means people must be treated in a decent and respectful way.

3) Care and treatment must only be provided with consent.

This means people must only get care or treatment that they agree to have.

4) All care and treatment provided must be appropriate and safe.

This means people must get suitable care, and must be kept safe.

5) Service users must not be subject to abuse.

This means people must not be treated badly while they are being cared for.

6) Service users' nutritional needs must be met.

This means people should be given food and drink if they need it.

7) All premises and equipment used must be safe, clean, secure, suitable for the purpose for which they are being used, and properly used and maintained.

This means that people should be treated in a clean and safe place, and that all equipment should be clean, safe, and used properly.

8) Complaints must be appropriately investigated and appropriate action taken in response.

This means any complaints people make must be taken seriously and dealt with properly.

9) Systems and processes must be established to ensure compliance with the Fundamental Standards.

This means that the organisation who provides care must be well-managed and organised to keep people safe.

10) Sufficient numbers of suitably qualified, skilled and experienced staff must be deployed.

This means that people must be looked after by the right number of staff.

11) Persons employed must be of good character, have the necessary qualifications, skills and experience, and be capable of carrying out the work they are to perform.

This means that people must be looked after by staff who are

trustworthy and good at their jobs.



We want it to be possible for CQC to take providers to court quickly if these standards are broken and people are hurt.

But we only want this to happen in the most serious cases.



We also want CQC to be able to warn providers if their standards are slipping.



We want the new standards to be easy for everyone to understand

We don't want the new standards to create more work for organisations who have to meet them.

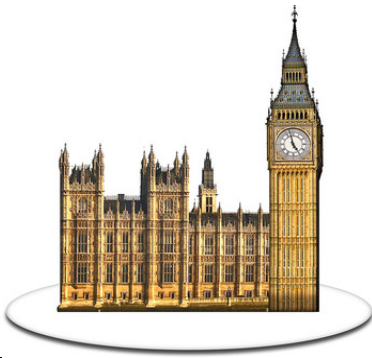
The draft laws are available alongside this consultation.

Please look at the draft laws and tell us what you think.

What will happen next?



The changes we plan to make will need changes to the law



The new laws will go to Parliament in the summer, and be introduced in October.



We want your views on them now so we can make sure they are good.

Difficult words used

Providers = Any organisation that provides health care or social care to people. This means hospitals, GPs, Dentists, Care Homes and people who come to your home to care for you.

Regulations = The laws that care providers must follow

Prosecute = Taking an organisation to Court when they have broken the law

REPLY BOOKLET

Response to our plans on corporate accountability:

Name:.....

Organisation/role.....

.....

.....

.....

.....

Please send your response to:

cqc.regulations@dh.gsi.gov.uk

Or by post to:

John Culkin,
Quality and regulation,
Room 2E11
Quarry House
Quarry Hill
Leeds
LS2 7UE
West Yorkshire

Closing date: 4 April 2014

Question 1:

Please look at the draft regulations which are published along with this consultation. Do the Fundamental Standards (regulations 4-14) make clear the kinds of outcomes we expect providers to meet/avoid?

Question 2:

Please look at the draft regulations which are published along with this consultation. Do you think the Fundamental Standards (regulations 4-14) reflect the aims we have set out in this document?

Question 3:

Please look at the draft regulations which are published along with this consultation. Are the Fundamental Standards described clearly enough that they could be used as a basis for enforcement action?

Question 4:

Please look at the draft regulations which are published along with this consultation. Regulation 17 sets out which of the regulations are offences that CQC will still need to issue a pre-prosecution notice for, alongside those that could be prosecuted immediately. Do you think this split reflects our intention that only breaches related to a harmful outcome can be prosecuted without a pre-prosecution notice being issued in advance?



Question 5:

Do you agree that CQCs guidance about complying with these regulations should set out criteria for cases in which it would consider bringing a prosecution?

Question 6:

Please look at the draft regulations which are published along with this consultation. Do you think any changes are needed to the draft regulations to ensure they reflect the aims we have set out in this document?

Question 7:

Do you have any other comments about the draft regulations?

Question 8:

Do you have any concerns about the impact of the proposed regulations on people sharing protected characteristics as listed in the Equality Act 2010?

(The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.)

Question 9:

Do you have any comments about the estimated costs and benefits of these regulations, as set out in the draft impact assessment (published alongside this consultation)? See Annex C for more detailed questions on impact.