



Department  
of Health

# Corporate accountability: Our plans: Easy Read



July 2013



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# Introduction



What happened at **Winterbourne View Hospital** was criminal. 11 members of staff were found guilty for the crimes they committed.



There were also serious problems at Mid Staffordshire hospital.



When bad failures happen, there should be consequences for everyone involved. This means not just the staff but also the leaders of health and care services and the organisation itself.

This is called **corporate accountability**.



Senior leaders are often called Directors and they belong to a Board. The Board meets to agree how to run the organisation.



The Care Quality Commission (CQC) want to make sure health and social care services give people, safe, kind and good care.



This booklet sets out plans to change the law (the regulations) and to make other changes.



The changes are about introducing:

- a fit and proper person test and
- new fundamentals of care



These changes will make it easier for the Care Quality Commission to take action where care is poor.



Directors and Boards who run health and care services may go to court if the services they manage give poor quality care.

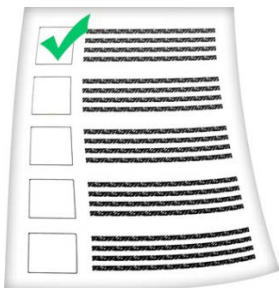


This will send out a strong message to Boards and Directors that the care and well-being of people they care for is their responsibility.

# What we plan to do:



We want to hear what you think about our plans.



We want to know your answers to some questions. The questions are shown in a yellow box



Please tell us what you think **by 6 September 2013**



You can use the answer booklet to send in your views.



# How you can contact us:



You can tell us by sending your reply to :



Email:

[Corporate.accountability@dh.gsi.gov.uk](mailto:Corporate.accountability@dh.gsi.gov.uk)



Or write to:

Corporate accountability consultation  
Sheila Evans,  
Quality and regulation,  
Area 601 Richmond House,  
79 Whitehall,  
London SW1A 2NS

# How will the plans affect people and services?



We want people to send in their views about how these changes will affect services.



**Question 1:**

**Do you have any information about how these changes will affect services?**

**Will these new plans treat people and services fairly and equally?**

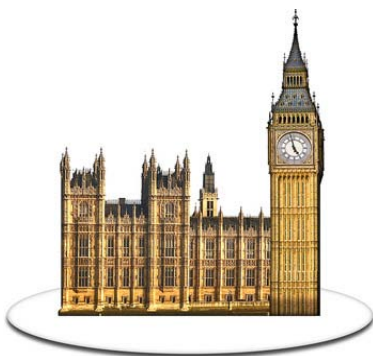
# Being a fit and proper person



We want to make sure all people in organisations that provide health and care services are fit to do their job. We call this being a **fit and proper person**.



At the moment CQC do not ask providers who register with them to make sure that all the people who work as Directors are fit and proper persons.



We want to introduce a new law to change this.

## Which services will be covered?



We want this to cover all organisations who register with the CQC.



This means:

- NHS hospitals
- Private hospitals
- Care homes

## Who will this apply to?

We think the test should apply to **all Directors of Boards**.  
This would include:

- Executive Directors
- Non- executive Directors
- Trustees and
- members of the governing body of other organisations



We want to know if you agree?

Are there other people who may not be part of the Board who should be included?



### Question 2:

**Who should the new fit and proper person test apply to?**

## What is the fit and proper person test?



We want organisations to do some checks before they give a job to new Directors.



These are checks to make sure that the person is fit to do the job. We call this the fit and proper person test.



We want to know what things should be included in the fit and proper person test.

This could include things like checking on:

- a person's finance
- their honesty
- what they did in other jobs as a Director.



**Question 3: What sort of checks should be included in the fit and proper person test?**

## **What will happen if the Director fails the test?**



If CQC decide that a Director is not a fit and proper person, they can ask the organisation to remove the Director.



If the hospital or care home does not do this CQC may take the organisation to court.



# Other action that can be taken



CQC published their plans to change the way they inspect care services on 17<sup>th</sup> June.



They plan to check services to make sure they pass the **fundamentals of care**. This is the name for the new rules about the basic level of good care a service must meet.



CQC can act quickly and even take a service to court if they do not pass the fundamentals of care.



We also want to make it easier for the Health and Safety Executive to take directors to court, where the care they provide may harm people



If directors or services are found guilty they could:

- get a fine, or
- go to jail

We think all these changes will make it easier to take action:

- against Directors
- and services

where there are failures in health and care.



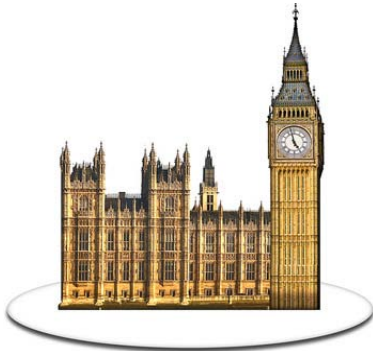


**Question 4:**

**Do you agree that all our plans will help to make sure action is taken against Directors and Boards when there are serious failures in health and care.**

**What else do we need to do?**

# What will happen next?



Some of the changes we plan to make will need changes to the law (regulations).



We will produce new draft laws in the Autumn. You will be able to give your views on these draft laws before they go to Parliament.



We want the new laws to start in April 2014

# REPLY BOOKLET

**Response to our plans on corporate accountability:**

Name:.....

Organisation/role.....

.....

.....

.....

.....

Please send your response to:

[Corporate.accountability@dh.gsi.gov.uk](mailto:Corporate.accountability@dh.gsi.gov.uk)

Or by post to:

Sheila Evans,  
Quality and regulation,  
Area 601 Richmond House,  
79 Whitehall,  
London SW1A 2NS

Closing date: 6 September 2013

**Question 1:**

**Do you have any information about how these changes will affect services?**

**Question 2:**

**Who should the new fit and proper person test apply to?**

**Question 3: What sort of checks should be included in the fit and proper person test?**



**Question 4:**

**Do you agree that all our plans will help to make sure action is taken against Directors and Boards when there are serious failures in health and care.**

**What else do we need to do?**

**Question 5:**  
**Do you have any other comments?**

