



Department
of Health

False or Misleading Information

Our consultation:
Easy Read



April 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 and be told when there are problems.</p> <p>But Mid Staffordshire Hospital tried to hide that there were problems, which meant that problems persisted and more people had bad care. Hiding the problems meant that other organisations didn't know that their help was needed.</p>
 	<p>At Mid Staffordshire Inquiry healthcare recommended that it should be a crime for providers to give a false impression of how good their services are.</p> <p>The Inquiry also said it should be a crime for senior people, employed by providers, to allow for such false impression to be given.</p> <p>The Government agreed with the Inquiry and the Care Bill that is going through Parliament, will make it a crime for health and social care providers to give a false impression of how good their services are.</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 Police to take action where a healthcare provider gives a false impression about how good their services are.</p>
	<p>This will mean people will be able to trust what a provider tells them about their health or care services.</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 2014</p>
	<p>You can use the answer booklet to send in your views.</p>

How you can contact us:




	<p>You can tell us by sending your reply to :</p>
	<p>Email:</p> <p>FOMI @dh.gsi.gov.uk</p>
	<p>Or write to:</p> <p>FOMI Consultation c/o Giles Crompton-Howe Room 2E11 Quarry House Quarry Hill Leeds, West Yorkshire LS2 7UE</p>


Why are we making these changes?

	<p>We want to make it clear to everyone that providers should be clear about how good their services are.</p>
	<p>This will mean people can trust what a provider says about their services.</p> <p>This will help to keep people safe, because where there are problems, they cannot be hidden.</p>
	<p>The regulations will apply to all hospitals and to senior people who run those hospitals.</p>
	<p>We want to use the law to make it easier to take action against healthcare providers and senior staff of those providers, where they don't give the public an accurate picture of how good or bad their services are.</p>

 A photograph of three people (two women and one man) wearing white t-shirts with a logo, all giving a thumbs-up gesture.	<p>We want to make it clear that everyone should be able to rely on the information health and care providers publish about their services.</p>
 A blue graphic logo consisting of a stylized eye shape with a white circle in the center containing a white pound sterling symbol (£).	<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>

What are we proposing?

	<p>We have worked with our lawyers to draft the new laws (the regulations). These are needed to make the law in the care bill work.</p>
	<p>This section explains what we want the new laws to do.</p> <p>We want the law to not provide false or misleading information to only apply to hospital care and only to certain information that hospitals publish or supply.</p> <p>That means there must be a law saying that the hospital must publish or supply this information, before this new law can be applied.</p>
	<p>We are not applying the law only to hospitals because we think they are bad, but because they handle lots of information suitable for applying the law to.</p> <p>We also need to test how the law works and while hospitals have lots of information, there are not many of</p>

	<p>them. This will make it easier to see how the law is used and see if any changes are needed.</p>
	<p>We want the law to cover information hospitals provide which can be used to determine how many people are dying at a hospital. This is important information, as a high number of deaths can mean that something is wrong.</p> <p>We also want the law to cover the Quality Accounts which hospitals are required to publish. The Quality Account is a key way for hospitals to tell people how good their services are. If the information in the Quality Account is false or misleading, then a hospital could be saying it is good when it is not.</p> <p>Hospitals are required by law to supply this information. This is important, as we cannot apply this new law unless another law says the hospital must publish or supply the information.</p>

What will happen next?

	<p>The changes we plan to make will need changes to the law.</p>
	<p>The new laws will go to Parliament in the summer, and be introduced in October.</p>
	<p>We want your views on them now so we can make sure they are good.</p>

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:

FOMI@dh.gsi.gov.uk

Or by post to:

Giles Crompton-Howe
CQC Sponsorship Quality and regulation,
Room 2E11
Quarry House
Quarry Hill
Leeds
LS2 7UE
West Yorkshire

Closing date: 5th June 2014

Question 1: Do you agree that to start with we should only apply the law to hospitals?

Question 2: Please look at the draft regulations which are published along with this consultation. Do you think the right sort of information is included in the regulations?

Question 3: Do you think the information in the regulations is important to the public and other important bodies like NHS England and the Care Quality Commission?

Question 4: Do you think the FOMI offence should be applied to Quality Accounts?

Question 5: Do you think we should the law should be made to cover more information in the future? If so, how do you think this should be done?

Question 7: Do you have any concerns that the new laws proposed might create problems for people who are protected from discrimination under the Equality Act 2010 because they have certain characteristics?

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