

Consultation

Guidance about compliance with
the Health and Social Care Act 2008
(Registration Requirements)
Regulations 2009

Introduction and questionnaire

About the Care Quality Commission

The Care Quality Commission is the independent regulator of health and adult social care services in England. We also protect the interests of people detained under the Mental Health Act.

Whether services are provided by the NHS, local authorities, private companies or voluntary organisations, we make sure that people get better care. We do this by:

- Driving improvement across health and adult social care.
- Putting people first and championing their rights.
- Acting swiftly to remedy bad practice.
- Gathering and using knowledge and expertise, and working with others.

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Foreword

Under the Health and Social Care Act 2008, the legal framework for the regulation of health and adult social care is changing. From April 2010, health and adult social care providers will be required to register with the Care Quality Commission to show that they are meeting a wide range of essential standards of safety and quality. We have a new, wider range of powers to enforce the registration system.

Registration makes sure that providers are meeting essential standards of safety and quality and that they are building a firm foundation on which to deliver care.

To make clear to providers what they need to do to comply with the registration requirements set out in the Health and Social Care Act 2008 (Registration Requirements) Regulations 2009, we have produced a document called 'guidance about compliance'. The guidance is focused on what makes a quality experience for people who use services, rather than the policies, systems and processes used to deliver care. We have designed and written the document with help from both internal and external stakeholders, including inspectors, assessors, providers, people who use services and a range of other people and organisations interested in what we do. We are now inviting your views and feedback on this guidance and the associated impact assessments.

Our previous consultation on Care Quality Commission reviews in 2009/10 was the start of an ongoing conversation with stakeholders about how we can all work together to help make sure everyone receives better care. We see this consultation as a continuation of that dialogue.

When we have received everyone's views, we will finalise and publish our guidance, and explain in more detail what we expect providers of services to deliver and what we expect people who use services to experience.

We look forward to receiving your views.

Barbara Young
Chairman

Cynthia Bower
Chief Executive

1. Introduction to the consultation

The Care Quality Commission is the independent regulator of health and adult social care in England. We were established under the Health and Social Care Act 2008 to regulate health and adult social care services in England, whether they're provided by the NHS, local authorities, private companies or voluntary organisations. We also protect the interests of people detained under the Mental Health Act. Before 1 April 2009, this work was carried out by the Healthcare Commission, the Mental Health Act Commission and the Commission for Social Care Inspection. Our aim is to make sure better care is provided for everyone – whether that's in hospital, in care homes, in people's own homes or elsewhere.

Under the Health and Social Care Act 2008, the legal framework for the regulation of health and adult social care is changing. From April 2010, providers of health and adult social care must be registered with the Care Quality Commission in order to be able to operate.

To do so, they must show that they are meeting a wide range of essential standards of safety and quality set out in the Health and Social Care Act 2008 (Registration Requirements) Regulations 2009. This applies to NHS trusts, existing health and adult social care providers registered with the former commissions, and new providers who intend to start offering health or adult social care services.

Registration makes sure that providers are meeting essential standards of safety and quality and that they are building a firm foundation on which to deliver care.

The Department of Health is finalising the law on who will need to be registered with the Care Quality Commission.

We are expecting that we will register providers in stages:

- By 1 April 2010: All NHS trusts, including primary care trusts that provide services, and NHS Blood and Transplant.
- By 1 October 2010: All providers of adult social care services, and independent providers of healthcare services (including some private doctor services, private prison health services, immigration centre health services, diagnostic clinics and laboratory providers).
- From 1 April 2011: Other providers, including dental services and general practice, subject to changes in the law.

During the consultation period, we will be developing the principles for the way in which we will register and monitor service providers.

We have written this guidance to make the registration requirements clear to providers, so that they know what they need to do to comply with them. We now want your views to help us develop the guidance further.

2. What we are consulting on

We would like your feedback on two separate documents.

Guidance about compliance

This document relates to the draft Health and Social Care Act 2008 (Registration Requirements) Regulations 2009. The purpose of the guidance is to make clear to providers what they need to do to meet the registration requirements. It focuses on the outcomes that people who use services experience and how policies, systems and processes contribute to the quality of these outcomes.

The guidance will be used mainly by providers who need to comply with the Health and Social Care Act 2008 (Registration Requirements) Regulations 2009. People who use services and commissioners of services may also have an interest in it.

Impact assessments

This document contains our impact assessment and equality impact assessment of the guidance.

Impact assessment

We are committed to efficient, effective regulation that will reduce unnecessary regulatory burdens and bureaucracy on providers of care. Our preliminary impact assessment looks at the impact, benefits and costs of the new regulations for providers.

Equality impact assessment

This is a preliminary equality impact assessment based on an early first draft of the guidance about compliance.

3. How we are consulting

What we have done so far

We have written the two consultation documents with the help of:

- People who use services
- Organisations that represent people who use services
- Providers' trade associations
- Individual providers of services
- Other regulators
- Professional bodies and other experts
- The Department of Health.

People who were involved in developing the documents felt that it was important to focus on what matters to people who use services. We have reflected this in our guidance about compliance and related consultation documents. Our aim has been to provide sufficient guidance for providers to comply with the regulations, while still encouraging innovative practice. We also wanted to make sure that the guidance sets out essential standards of safety and quality.

Consultation period

The consultation period runs for 12 weeks from Monday 1 June 2009 to Monday 24 August 2009. We look forward to receiving feedback from both individuals and organisations.

At the same time as this formal consultation, we will also be speaking to providers and other stakeholders on our early design options around methods and how to develop them. We will talk to providers and people who use services at regional and national consultation events on the guidance about compliance, and we will continue with this dialogue beyond the formal consultation period for the guidance.

What happens next?

When the consultation period has ended, we will review the feedback we have received and carefully consider any changes we need to make to the documents.

In December 2009, we will publish the final versions of the guidance about compliance and the related impact assessment and equality impact assessment. From April 2010, the guidance about compliance will be enforceable and we will use it to register providers and monitor their ongoing compliance.

4. Giving us your feedback

The questions we are asking in this consultation are set out in the relevant sections of the two documents and also in the response sheet in the centre of this document. They are also on our website.

Where to send your feedback

You can give us your feedback in three different ways:

1. By email:
 - You can respond by email in different formats – using the response sheet, by letter or in the body of the email.
 - Please email your response to **consultationresponses@cqc.org.uk**
2. By post:
 - Use the hard copy response sheet to send your response (attach additional pages if necessary).
 - Please send the completed response sheet to:
**Freepost RSBS-ZGCU-EZEE, Care Quality Commission,
Citygate, Gallowgate, Newcastle upon Tyne NE1 4PA.**
3. Online:
 - Use the web version of the response sheet on our website at **www.cqc.org.uk/getinvolved/consultations.cfm**

Protecting your rights

Following the Code of Practice

This consultation follows the Cabinet Office Code of Practice on consultation. In particular we aim to:

- Consult widely throughout the process, allowing 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what our proposals are, who may be affected, what questions we want to ask and the timescale for responses.
- Ensure that our consultation is clear, concise and widely accessible.
- Ensure that we provide feedback regarding the responses received and how the consultation process influenced the development of the policy.
- Monitor our effectiveness at consultation, including through the use of a designated consultation coordinator.
- Ensure our consultation follows better regulation best practice, including carrying out a regulatory impact assessment if appropriate.

Confidentiality of information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

We will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties.

Further information

If you have any comments or concerns relating to the consultation process that you would like to raise, please contact us on 03000 616161 or use the contact details on the previous page.

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