

**Committee:** Health Overview & Scrutiny Committee **Date:** 14 May 2010

**Report of:** Chief Executive, Medway NHS Foundation Trust

**Author:** Company Secretary, Medway NHS Foundation Trust

**CQC Registration action plan**

<b>1 Care Quality Commission registration</b>				
1.1	As Members will no doubt recall, earlier this year all NHS Acute Trusts were obliged to prepare an application for registration by the Care Quality Commission (CQC). The registration scheme came into effect from 1 April 2010 as a result of the provisions of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and currently requires healthcare providers to be registered in order to continue to provide any of the 15 regulated activities.			
1.2	Healthcare providers must register each of the premises at which they carry out regulated activities. Medway NHS Foundation Trust (the Trust) applied to register Medway Maritime Hospital in respect of the majority of regulated activities, and Preston Skreens and Woodlands Nursery in respect of relevant regulated activities, as indicated below.			
	<b>Activity</b>	<b>Medway Maritime Hospital</b>	<b>Woodlands Nursery</b>	<b>Preston Skreens</b>
	Personal care			
	Accommodation for persons who require nursing or personal care	✓	✓	✓
	Accommodation for persons who require treatment for substance abuse			
	Accommodation and nursing or personal care in the further education sector			
	Treatment of disease, disorder or injury	✓	✓	✓
	Assessment or medical treatment for persons detained under the Mental Health Act 1983	✓		
	Surgical procedures	✓		

Diagnostic and screening procedures	✓		
Management of supply of blood and blood derived products			
Transport services, triage and medical advice provided remotely			
Maternity and midwifery services	✓		
Termination of pregnancies	✓		
Services in slimming clinics			
Nursing care	✓		
Family planning service			

1.3 The Trust submitted its application in January, as required, indicating that it was compliant with all bar two of the registration requirements. The Trust's application acknowledged weaknesses in respect of Regulation 11, "Safeguarding people who use services from abuse", because of previous findings by the CQC that the Trust's records of training relevant staff in the safeguarding of children were not adequate to assure the Commission that enough training had taken place; and Regulation 15 "Safety and Suitability of premises", again because of previous findings by the CQC that the Trust does not adequately follow up action plans arising from assessments of the needs of people with disabilities.

1.4 The application was accompanied by an action plan to address these issues and achieve compliance with the relevant regulations. Details of the action plan and a statement of progress against it are set out in Appendix 1.

## **2 Outcome of the application for registration**

2.1 The outcome of the Trust's application was published on 1 April 2010. The Trust has been registered in respect of all activities and locations covered by its application. Conditions have, however, been applied to the Trust's registration in respect of all three locations.

2.2 Details of the conditions and the reasons for their imposition are set out in Appendix 1, in the form of an action plan intended to address the necessary steps the Trust must take to have the conditions lifted. In summary, the conditions relate to the provision of evidence that the Trust has trained in adequate number of staff in all relevant aspects of safeguarding children and vulnerable adults; has properly recorded and learned lessons from all untoward incidents that have occurred on Trust premises; and has used the clinical audit process effectively to ensure the continuous improvement of services. The conditions include dates by which the Trust is required to achieve compliance with the relevant regulations; these vary from 1 May 2010 to 1 July 2010.

2.3 There is no bar to the Trust continuing to provide the regulated activities while

the conditions are in place - the CQC can impose “restrictive conditions” which limit the provision of regulated services (eg by location or by age range), but the conditions imposed on the Trust do not fall into that category. Carrying out the regulated activities otherwise than in accordance with a CQC registration and any conditions (including non-restrictive conditions) attached to it is a criminal offence under the 2008 Act and punishable on conviction by a fine of up to £50,000.

2.4 The Trust will need to apply to have the conditions attached to its registration lifted and demonstrate in the course of doing so that it is compliant at the time of that application with the associated Regulations. Additionally, the CQC will assess the Trust’s evidence in respect of its compliance with the Regulations cited in its application as non-compliant. Failure to tackle these areas of non-compliance in accordance with the action plan submitted with the Trust’s original application and to achieve compliance by the dates indicated in those action plans is likely to lead to the imposition of further conditions.

2.5 The existence of the conditions on the Trust’s registration is a matter of public record, and clearly has implications for the Trust’s reputation amongst partners and service users.

#### **4 Measurement and Monitoring**

4.1 The action plan has been monitored weekly at the Trust’s Executive Directors’ meeting, and will continue to be reviewed on a weekly basis by the Executive team, and by the Board on a monthly basis, until all conditions have been lifted.

#### **5 Options Appraisal**

5.1 The actions described in the action plan have been considered as the most effective measures likely to achieve the removal of the conditions from the Trust’s registration. Given the nature of the conditions, it would not really be possible to change the services provided or the registered locations as an alternative to addressing the CQC’s concerns.

#### **6 Financial Resources**

6.1 Like all other Trusts, the Trust will be required to pay an annual fee for its registration, but the fees regime has yet to be confirmed. It is not clear whether there will be a separate fee for each location.

6.2 Trusts will also be required to pay a fee for each application to have a condition removed, but again, the CQC has not yet announced how much this will be. The Consultation on the fees regime closed in April. No date for announcement of the fees has been made public. Because of this uncertainty, no budget allocation has yet been made or sought. It is not anticipated that

the fee will give rise to any detrimental impact on the provision of services across the Trust.

## **7 Other Resources**

- 7.1 The action plan and associated monitoring arrangements will not of themselves require additional resources. Compliance with the CQC's requirements, particularly in respect of training, will require significant resources on an annual basis but such costs have been built into existing budgets.

## **8 Risk Analysis**

- 8.1 Failure to achieve and maintain compliance with the Regulation will lead to significant limitations on the Trust's ability to function, and may lead to criminal prosecution. The risk of these outcomes is noted on the Trust's corporate risk register. Strict adherence to the action plan and any amendments to it agreed by the CQC will be necessary to obviate this risk.

## **9 Equality Impact Assessment**

- 9.1 There is no known potential for the proposed action plan to give rise to inequitable treatment as a result of any person's disability, age, race, religion or belief, gender or sexual orientation.

## **10 Information Governance Assessment**

- 10.1 There is no known potential for the proposed action plan to compromise the Trust's ability to comply with the main planks of Information Governance legislation (Freedom of Information Act, Data Protection Act).

## **11 Environmental Assessment**

- 11.1 There is no known potential for the action plan to have an adverse impact on the environment.

## **12 Recommendation to the Committee**

- 12.1 The Committee is recommended to note the action plan and the arrangements for monitoring its progress.

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