Guidance for providers
How the Standards for Better Health link to the new registration regulations
Updated December 2009

This updated guidance is based on the final version of the Care Quality Commission guidance about compliance

- This guidance is for NHS trusts, including PCT providers.
- The aim of this guide is to help you to begin to consider the new registration regulations which come into force on 1 April 2010.
- The guide indicates where there are links between Standards for Better Health, the registration regulations and the outcomes described in the guidance about compliance.
The voice of NHS leadership

The NHS Confederation is the only independent membership body for the full range of organisations that make up today’s NHS. We represent over 95 per cent of NHS organisations as well as a growing number of independent healthcare providers.

Our ambition is a health system that delivers first-class services and improved health for all. We work with our members to ensure that we are an independent driving force for positive change by:

- influencing policy, implementation and the public debate
- supporting leaders through networking, sharing information and learning
- promoting excellence in employment.

All of our work is underpinned by our core values:

- ensuring we are member driven
- putting patients and the public first
- providing independent challenge
- creating dialogue and consensus.

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INF21301
Registered Charity no. 1090329

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Contents

About this guide .......................................................... 2
Section 1: Involvement and information ........................................ 3
Section 2: Personalised care, treatment and support ......................... 4
Section 3: Safeguarding and safety ............................................ 6
Section 4: Suitability of staffing ................................................ 8
Section 5: Quality and management ........................................... 9
Section 6: Suitability of management ........................................ 12

If you have any questions about this guide, or would like to find out more about the NHS Confederation’s work on regulation, please contact frances.blunden@nhsconfed.org
Updated guidance for providers: How the Standards for Better Health link to the new registration regulations

About this guide

This guide is organised in order of the outcomes described in the guidance about compliance. Each outcome is linked to one or more of the registration regulations.

When using this guide it is important to recognise that the registration regulations, the associated outcomes and the guidance about compliance are not directly comparable to the Standards for Better Health (SfBH) criteria.

This guide identifies:

- SfBH standards that have strong links with each outcome
- SfBH standards that have some, less strong, links with each outcome
- any significant new aspects of each outcome which do not have links with SfBH.

This guide is not detailed, exact or exhaustive and is not binding:

- In some instances one SfBH standard will map to more than one outcome.
- Where links are identified the regulations will not necessarily cover exactly the same requirements as in the SfBH. The regulations may:
  - only cover some aspects of the SfBH standard
  - approach a topic in a slightly or very different way from SfBH
  - include additional requirements compared to the SfBH.
- Where links are identified the same evidence used for SfBH declarations will not necessarily be sufficient for the declaration against the registration regulations.
- Some topics covered by specific SfBH standards are threaded throughout the regulations and the guidance about compliance, including:
  - equality, diversity and human rights: it is expected all providers will show the CQC how they have understood the diversity of the people who use their services and how they are meeting the needs that arise from a person-centred approach, and to ensure that they meet the basic requirements of the law in these important areas
  - involving people who use services: it is expected providers should involve, consult and engage with people who use services in order to comply with requirements.
- There are some registration regulations which are completely new for NHS providers. This guide identifies where a requirement is new but does not include any further details about them.
Section 1: Involvement and information

In the guidance about compliance this section covers:

Outcome 1 – Respecting and involving people who use services (Regulation 17 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 2 – Consent to care and treatment (Regulation 18 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 3 – Fees etc. (Regulation 19 of the Care Quality Commission (Registration) Regulations 2009)

### Outcome 1 – Respecting and involving people who use services (Regulation 17 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:**
- SfBH C13a – Dignity and respect
- SfBH C16 – Accessible information

**Some links:**
- SfBH C7e – Discrimination
- SfBH C17 – Patient and public involvement
- SfBH C18 – Choice and equity
- SfBH C23 – Public health cycle

**New aspects of this requirement:**
- Promote independence
- Involve people who use services in decisions about their care, treatment and support
- Encourage people to care for themselves where this is possible, and to decide how they want to live their lives
- Encourage people to be involved in how the service is run

### Outcome 2 – Consent to care and treatment (Regulation 18 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:**
- SfBH C13b – Consent

**Some links:**
- SfBH C12 – Research governance

### Outcome 3 – Fees etc. (Regulation 19 of the Care Quality Commission (Registration) Regulations 2009)

The requirements of Regulation 19 of the Registration Regulations do not have any notable links with the Standards for Better Health.
Section 2: Personalised care, treatment and support

In the guidance about compliance this section covers:

Outcome 4 – Care and welfare of people who use services (Regulation 9 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 5 – Meeting nutritional needs (Regulation 14 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 6 – Cooperating with other providers (Regulation 24 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

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<th>Outcome 4 – Care and welfare of people who use services (Regulation 9 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)</th>
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Outcome 6 – Cooperating with other providers (Regulation 24 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

- **Strong links:** SfBH C6 – Partnership working
- **Some links:** SfBH C13c – Confidentiality of patient information
  SfBH C22ac – Public health partnerships
  SfBH C24 – Emergency preparedness
- **New aspects of registration:**
  - Providers cooperate and share information with others involved in a person’s care, treatment and support while having regard to people’s rights to confidentiality
  - Work in cooperation with others to ensure that appropriate care planning takes place
Section 3: Safeguarding and safety

In the guidance about compliance this section covers:

Outcome 7 – Safeguarding people who use services from abuse (Regulation 11 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 9 – Management of medicines (Regulation 13 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 10 – Safety and suitability of premises (Regulation 15 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 11 – Safety, availability and suitability of equipment (Regulation 16 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:** SfBH C2 – Safeguarding children

**New aspects of registration:**
- Take action to prevent abuse from happening in a service
- Ensure that Government and local guidance about safeguarding people from abuse is accessible to all staff and put into practice
- Make sure that any means of restraint or management of disturbed behaviour that is used is appropriate, reasonable, proportionate and justifiable for that individual
- Protect others from the effect of the person’s disturbed behaviour

**Note:** This regulation applies to safeguarding all vulnerable service users, rather than only specifically children.

### Outcome 9 – Management of medicines (Regulation 13 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:** SfBH C4d – Medicines management

**Some links:** SfBH C1a – Incidents – reporting and learning
- SfBH C1b – Patient safety communications
- SfBH C12 – Research governance

**New aspects of registration:**
- Ensure that medicines are prescribed and taken by people safely
Section 3: Safeguarding and safety

Outcome 10 – Safety and suitability of premises (Regulation 15 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:** SfBH C20a – Safe, secure environment  
SfBH C20b – Privacy and confidentiality

**Some links:**  
SfBH C1a – Incidents – reporting and learning  
SfBH C1b – Patient safety communications  
SfBH C4e – Clinical waste  
SfBH C21 – Clean, well designed environments

Outcome 11 – Safety, availability and suitability of equipment (Regulation 16 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:** SfBH C4b – Safe use of medical devices

**Some links:**  
SfBH C1a – Incidents – reporting and learning  
SfBH C1b – Patient safety communications  
SfBH C21 – Clean, well-designed environment

**New aspects of registration:**  
- Make sure that equipment:  
  - is suitable for its purpose  
  - is available  
  - is properly maintained  
  - is used correctly  
  - promotes independence  
  - is comfortable
Section 4: Suitability of staffing

In the guidance about compliance this section covers:

Outcome 12 – Requirements relating to workers (Regulation 21 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 13 – Staffing (Regulation 22 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 14 – Supporting workers (Regulation 23 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:**
- SfBH C5b – Clinical supervision
- SfBH C5c – Updating clinical skills and techniques
- SfBH C10b – Professional codes of conduct
- SfBH C10a – Employment checks
- SfBH C11a – Recruitment, training and skill mix
- SfBH C11c – Professional development

**Some links:**
- SfBH C8b – Personal development
- SfBH C11b – Mandatory training
- SfBH C20a – Safe, secure environment

**New aspects of registration:**
- Make sure that there are sufficient staff with the right experience, qualifications and skills to support people
Section 5: Quality and management

In the guidance about compliance this section covers:

Outcome 15 – Statement of Purpose (Regulation 12 and Schedule 3 of the Care Quality Commission (Registration) Regulations 2009)

Outcome 16 – Assessing and monitoring the quality of service provision (Regulation 10 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 17 – Complaints (Regulation 19 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 18 – Notification of death of a service user (Regulation 16 of the Care Quality Commission (Registration) Regulations 2009)

Outcome 19 – Notification of death or unauthorised absence of a service user who is detained or liable to be detained under the Mental Health Act 1983 (Regulation 17 of the Care Quality Commission (Registration) Regulations 2009)

Outcome 20 – Notification of other incidents (Regulation 18 of the Care Quality Commission (Registration) Regulations 2009)

Outcome 21 – Records (Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 15 – Statement of purpose (Regulation 12 and Schedule 3 of the Care Quality Commission (Registration) Regulations 2009)

The requirements of Regulation 12 of the Registration Regulations will be new for the NHS and do not have any links with the Standards for Better Health.
Section 5: Quality and management

Outcome 16 – Assessing and monitoring the quality of service provision (Regulation 10 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

| Strong links:                      | SfBH C1a – Incident reporting and learning |
|                                  | SfBH C5d – Clinical audit and review |
|                                  | SfBH C7ac – Clinical and corporate governance |
| Some links:                      | SfBH C8a – Whistleblowing |
|                                  | SfBH C14a – Complaints response |
|                                  | SfBH C17 – Patient and public involvement |
|                                  | SfBH C23 – Public health cycle |

New aspects of registration:

- Monitor the quality of service that people receive
- Get professional advice about how to run the service safely, where they do not have the knowledge themselves
- Improve the service to comply with the Health and Social Care Act 2008 (Registration Requirements) Regulations 2009 by learning from incidents that happen and the advice of other expert bodies
- Have arrangements that say who can take decisions that affect the health, welfare and safety of people who use the service

Outcome 17 – Complaints (Regulation 19 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

| Strong links:                      | SfBH C14a – Accessible complaints procedures |
|                                  | SfBH C14b – Complaints and discrimination |
|                                  | SfBH C14c – Complaints response |

| Some links:                      | SfBH C1a – Incidents – reporting and learning |
Outcome 18 – Notification of death of a service user (Regulation 16 of the Care Quality Commission (Registration) Regulations 2009)

The requirements of Regulation 16 of the Registration Regulations are new for the NHS.

The guidance says that English NHS trusts must only inform the Care Quality Commission of the death of a person using a service that occurred:

- while the service was being provided
- that was a consequence of the service being provided; and was not caused by an illness or condition that was being appropriately treated.

Outcome 19 – Notification of death or unauthorised absence of a service user who is detained or liable to be detained under the Mental Health Act 1983 (Regulation 17 of the Care Quality Commission (Registration) Regulations 2009)

English NHS trusts send SOME of the notifications outlined in Regulation 17 of the Registration Regulations, to the National Patient Safety Agency (NPSA), who will send them on to the Care Quality Commission. The guidance says when NHS trusts should send notifications to the NPSA, and when they send them directly to the Care Quality Commission.

Outcome 20 – Notification of other incidents (Regulation 18 of the Care Quality Commission (Registration) Regulations 2009)

English NHS trusts send SOME of the notifications outlined in Regulation 18 of the Registration Regulations to the National Patient Safety Agency (NPSA), who will send them on to the Care Quality Commission. The guidance says when NHS trusts should send notifications to the NPSA, and when they send them directly to the Care Quality Commission.

Outcome 21 – Records (Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

**Strong links:**
- SfBH C9 – Records management
- SfBH C13c – Confidentiality of patient information

**New aspects of registration:**
- Keep personalised care, treatment and support records for each person who uses the service
- Keep records that are appropriate, up to date and accurate
- Keep any other records the Care Quality Commission asks them to
Section 6: Suitability of management

In the guidance about compliance this section covers:

Outcome 22 – Requirements where the service provider is an individual or partnership (Regulation 4 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 23 – Requirement where service provider is a body other than a partnership (Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 24 – Requirements relating to Registered Managers (Regulation 6 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 25 – Registered person: training (Regulation 7 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

Outcome 26 – Financial position (Regulation 13 of the Care Quality Commission (Registration) Regulations 2009)

Outcome 27 – Notifications: Notice of absence (Regulation 14 of the Care Quality Commission (Registration) Regulations 2009)

Outcome 28 – Notifications: Notice of changes (Regulation 15 of the Care Quality Commission (Registration) Regulations 2009)

**Outcome 22 – Requirements where the service provider is an individual or partnership (Regulation 4 of the Health and Social Care Act 2008 (Regulated Activities) Regulation 2009)**

This regulation will not apply to English NHS trusts.

**Outcome 23 – Requirement where the service provider is a body other than a partnership (Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)**

The requirements of Regulation 5 will be new for the NHS and do not have any links with the Standards for Better Health.
Section 6: Suitability of management

Outcome 24 – Requirements relating to Registered Managers (Regulation 6 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

The requirements of Regulation 6 will be new for the NHS and do not have any links with the Standards for Better Health.

Outcome 25 – Registered person: training (Registration 7 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009)

The requirements of Regulation 7 will be new for the NHS and do not have any links with the Standards for Better Health.

Outcome 26 – Financial position (Regulation 13 of the Care Quality Commission (Registration) Regulations 2009)

There is no mapping for this regulation. The regulations published by the Department of Health indicate that the NHS will be exempt from Regulation 13 of the Registration Regulations, as other mechanisms to assure their financial position already exist.

Outcome 27 – Notifications: Notice of absence (Regulation 14 of the Care Quality Commission (Registration) Regulations 2009)

The requirements of Regulation 14 of the Registration Regulations will be new for the NHS and do not have any links with the Standards for Better Health.

Outcome 28 – Notifications: Notice of changes (Regulation 15 of the Care Quality Commission (Registration) Regulations 2009)

The requirements of Regulation 15 of the Registration Regulations will be new for the NHS and do not have any links with the Standards for Better Health.