



The future regulation of health and adult social care

Consultation questionnaire

Thank you for taking time to give us your views about the issues raised in the future regulation of health and adult social care consultation.

The consultation closes on 17 June 2008.

You will need to refer back to consultation document as you go through the questionnaire.

Please send your completed response to:

Consultation Response
Room 5W55 Quarry House
Quarry Hill
Leeds
LS2 7UE

or e-mail: registration.consultation@dh.gsi.gov.uk

About yourself

It will help us to analyse the responses we receive if you fill in a few details about yourself.

Confidentiality: 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, amongst 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 that you have provided to be confidential. If we receive a request for disclosure of the information we will take full account of your request, but we cannot give an assurance that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Name

Professor Alan Maryon-Davis

Job title

President

Organisation

Faculty of Public Health

Are you replying as an individual or on behalf of an organisation or group (please put an x in the appropriate box)?

<input type="checkbox"/>	Individual
<input checked="" type="checkbox"/>	Group

If you are responding as an individual, do you work in health, social care or are you a member of the public?

<input checked="" type="checkbox"/>	health
<input type="checkbox"/>	social care
<input type="checkbox"/>	member of the public

Did you hold a meeting to discuss the document?

<input type="checkbox"/>	yes
<input checked="" type="checkbox"/>	no

If the views you are submitting are the outcome of a meeting, can you describe what kind of people were at the meeting (for example, was it a group of people within an organisation, a group of people from across different organisations, a patient forum etc)?

n/a

We may wish to contact you to discuss your comments. If you are happy to do so, please fill in your contact details - that could be an e-mail address, phone number or postal address.

Lindsey Stewart
Policy Officer
Faculty of Public Health
4 St Andrews Place
London
NW1 4LB
lindseystewart@fph.org.uk

The details you provide here will not be shared with any third party.

Chapter 2: Registration requirements for essential safety and quality

You will be asked for your comments on the individual requirements later in the questionnaire.

We propose to introduce a generic set of registration requirements (set out in regulations) for all providers offering services that are within scope. These requirements will be supplemented by compliance criteria, to be developed by the Care Quality Commission, that are specific to the type of activity. These will be consulted on at a later date. Do you agree with this approach? Do you have any comments?

We agree with the approach set out. However, we would seek a more explicit focus on public safety, in addition to the safety of the individuals involved in the services registered.

Are the areas covered by the registration requirements (set out in Annex A) the right ones to provide the assurance of the essential levels of safety and quality that we are aiming for? If not, are there any we need to add or take out?

The 18 registration requirements set out are all relevant and appropriate. They quite rightly focus on personal safety and care delivery elements. However, none of the 18 requirements explicitly mentions the need to safeguard public safety. Some providers will deliver services that have the potential to impact on the public, for example secure mental health hospitals. There should be a registration requirement in place that states the need to ensure that services are delivered which do not risk public safety.

Does the wording of the registration requirements in Annex A provide appropriate coverage of these areas? If not, what do we need to add?

See above

Are there any overlaps, or gaps or unintended consequences that will not be picked up by other parts of the system? If so, what are they?

No comment

What are your views on the transition arrangements for existing providers to enter the new registration system?

The transition arrangements for existing providers look appropriate. We welcome a phased transition of 12 months. We welcome the proposal that existing NHS providers will be registered automatically - except for those which are under enforcement action of any kind at the transition date. This should reduce any unnecessary burden on existing NHS providers.

Chapter 3: Scope - which health and adult social care services should be registered?

You will be able to comment on the specific activity topics in Annex B of the document later in the questionnaire.

Do you agree with our proposed list of regulated activities in Annex B to be included within the scope of registration?

x	yes
	no
	don't know

Are there any high-risk services not covered? If so, what are they?

Under diagnostic services, we would wish to include the call-recall arrangements which are part of the national breast and cervical screening programmes. These are subject to close quality assurance through the national programmes, but in our view are relatively high risk and need to be registered as 'services'.

Under specialist medical services, mental health services and therapies it is proposed that Alternative and Complementary Medicine is not covered by CQC. We would like assurance that they are registered and regulated by other means, which are joined up.

Under surgical services, only services with a health gain are covered. We are concerned that surgical procedures carried out for cultural/leisure reasons are appropriately regulated both for individual patient safety and public safety eg. religious circumcision; tattooing; piercing

Under maternity services, we would seek more explanation as to why advice on non-clinical care (breast feeding, diet etc, care for the baby) is not proposed to be regulated by the CQC. We would regard any advice given with regard to babies to be potentially high risk.

Under primary medical services, we consider counselling services to be potentially high risk and would wish to see them included in due course.

Have we proposed any inappropriate registration of lower-risk services? If so, which are they?

No

What are your views on the exclusion of non-urgent patient transport services under the Emergency and Urgent Care activity topic?

No comment

What are your views on the proposals for the registration of agencies who supply workers to other registered providers, under the 'Personal Care' and 'Nursing Care' activity topics?

No comment

Are the activities for registration described at the right level of detail, given that they will be underpinned by more specific and legally enforceable regulations? If not, what do we need to change?

No comment

Is there a risk of inappropriately de regulating high-risk activities in this approach? If so, what do we need to do to avoid that?

No comment

Have we determined the right situations in which to register a manager? If not, what do we need to change?

No comment

Chapter 4: Registration of primary care

Does the list of activities in Annex B appropriately capture the services, where people might be at risk of harm provided in primary care settings? In particular, do you agree with our proposal that ultimately all GP and primary dental services should be within the scope of registration? If not, what are your views?

We agree that all GP and primary dental services should be within the scope of registration.

Does the list of activities in Annex B inappropriately capture some services that are less likely to cause harm when provided in primary care settings? If so, what are they?

Not in our view.

What information would you expect the new Commission to draw on when making decisions? How could it best do this?

QOF data; referral data; other data aggregated from patient records.

PCTs should be charged with monitoring of key practice data.

What is the scope for rationalising the existing requirements on primary care providers if a registration system is introduced?

No comment

When should services provided in primary care settings be required to register? Should we phase in registration?

We agree that registration should begin with primary medical services, and later extend to primary dental services.

Ultimately we would wish to see the scheme further extended to cover community pharmacy services and community optometry services.

If we do phase in registration, how should we determine the services to be captured?

See above

Is our assessment of the costs and benefits in our accompanying Impact Assessment (available on the DH website, alongside the consultation document) reasonable? Do you have any additional information on impact that we could use?

None at present

Annex A: Proposed topics for registration requirements - for essential levels of safety and quality

If you have any specific comments on any of the proposed registration requirements, please tell us about them here.

You will need to refer back to Annex A of the document to see the detailed explanation of the requirement.

Requirement 1. Making sure people get care and treatment that meets their needs safely and effectively

Taking account of needs assessments and evidence-based practice.

Requirement 2. Safeguarding people when they are vulnerable

Recognising vulnerability when it may not be obvious

Requirement 3. Managing cleanliness, hygiene and infection control

Including monitoring of patients, staff and visitors

Requirement 4. Managing medicines safely

No comment

Requirement 5. Making sure people get the nourishment they need

This should include help with eating/drinking and offering healthy snacks between meals.

Requirement 6. Making sure people get care and treatment in safe, suitable places which supports their independence, privacy and personal dignity

No comment

Requirement 7. Using equipment that is safe and suitable for people's care and treatment and supports people's independence, privacy and personal dignity

No comment

Requirement 8. Involving people in making informed decisions about their care and treatment

No comment

Requirement 9. Getting people's ongoing agreement to care and treatment

Must involve full disclosure of pros and cons.

Requirement 10. Responding to people's comments and complaints

Must include communicating effectively with people

Requirement 11. Supporting people to be independent

Must involve close coordination with informal and formal carers and social services

Requirement 12. Respecting people and their families and carers

No comment

Requirement 13. Having arrangements for risk management, quality assurance and clinical governance

No comment

Requirement 14. Keeping records about the provision of care and treatment

No comment

Requirement 15. Checking that workers are safe and competent to give people the care and treatment they need

No comment

Requirement 16. Having enough competent staff to give people the care and treatment they need

No comment

Requirement 17. Supporting workers to give people the care and treatment they need

No comment

Requirement 18. Working effectively with other services

No comment

Annex B: Scope

If you have any specific comments on our proposals for the scope of regulation please tell us about them here.

You will need to refer back to Annex B of the document to see the lists of activities.

Do you have any comments on the proposals under the activity topic: **Personal care**

No comment

Do you have any comments on the proposals under the activity topic: **Accommodation together with personal or nursing care**

No comment

Do you have any comments on the proposals under the activity topic: **Accommodation together with intensive treatments**

No comment

Do you have any comments on the proposals under the activity topic: **Accommodation together with personal care and further education**

Should probably be transferred to Ofsted

Do you have any comments on the proposals under the activity topic: **Palliative care**

No comment

Do you have any comments on the proposals under the activity topic: **Surgical services**

No comment

Do you have any comments on the proposals under the activity topic: **Dental services**

No comment

Do you have any comments on the proposals under the activity topic: **Diagnostic services**

No comment

Do you have any comments on the proposals under the activity topic: **Specialist medical services**

No comment

Do you have any comments on the proposals under the activity topic: **Emergency and urgent care**

Agree with exclusion of non-urgent transport services

Do you have any comments on the proposals under the activity topic: **Maternity services – obstetrics and gynaecology**

Must INCLUDE family planning and sexual health advice and treatment services

Do you have any comments on the proposals under the activity topic: **Termination of pregnancy**

No comment

Do you have any comments on the proposals under the activity topic: **Specialist mental health services**

Must INCLUDE counselling

Do you have any comments on the proposals under the activity topic: **Detention or deprivation of liberty for care or treatment**

No comment

Do you have any comments on the proposals under the activity topic: **Nursing care**

Must INCLUDE nursing agencies

Do you have any comments on the proposals under the activity topic: **Prescribing, administration, sale and supply of medicines**

No comment

Do you have any comments on the proposals under the activity topic: **Therapies**

No comment

Do you have any comments on the proposals under the activity topic: **Telemedicine and telecare**

No comment

Do you have any comments on the proposals under the activity topic: **Primary medical services**

Must INCLUDE medical care undertaken in workplace settings, eg. occupational health and medical services.

Must INCLUDE health advice given by community pharmacists and optometrists.

Must INCLUDE podiatry services

Equalities Monitoring

You do not have to complete these questions if you do not wish to but it will help us to understand the views of different groups.

The information you provide will be treated as confidential. It will not be saved by the Department of Health once the consultation has been completed. It will not be shared with any other person or organisation.

The ethnic groups used are standard categories for collecting ethnic group information. Using these codes will help us to analyse the responses we get to the consultation. The list of groups is designed to allow most people to identify themselves. The list is not intended to leave out any groups of people but to keep the collection of ethnic information simple.

Ethnicity

Please indicate your ethnic group

	White British
	White Irish
	Any different White background
	White and Black Caribbean
	White and Black African
	White and Asian
	Any different mixed background
	Indian
	Pakistani
	Bangladeshi
	Any different Asian background
	Black Caribbean
	Black African
	Any different Black background
	Chinese

If your ethnic group is not in the list, please fill in the box below

Disabilities or impairments

If you have an impairment, please state the type of impairment that applies to you. People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, you may wish to fill in the "other impairment" box, specifying the type of impairment:

	physical impairment - such as difficulty using your arms or mobility issues which means using a wheelchair or crutches
	sensory impairment - such as being blind/having a serious visual impairment or being deaf/having a serious hearing impairment
	mental health condition - such as depression or schizophrenia
	learning disability/difficulty
	autistic spectrum disorder
	long-standing illness or health condition such as cancer
	HIV
	diabetes
	chronic heart disease
	epilepsy

Other impairment - please state.

Age

Please click in the button that shows your age

	under 25
	25-34
	35-44
	45-54
	55-64
	65 or over

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