

Regulation 14: Meeting nutritional and hydration needs

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 14

The intention of this regulation is to make sure that people who use services have adequate nutrition and hydration to sustain life and good health and reduce the risks of malnutrition and dehydration while they receive care and treatment.

To meet this regulation, where it is part of their role, providers must make sure that people have enough to eat and drink to meet their nutrition and hydration needs and receive the support they need to do so.

People must have their nutritional needs assessed and food must be provided to meet those needs. This includes where people are prescribed nutritional supplements and/or parenteral nutrition. People's preferences, religious and cultural backgrounds must be taken into account when providing food and drink.

CQC can prosecute for a breach of this regulation or a breach of part of the regulation if a failure to meet the regulation results in avoidable harm to a person using the service or a person using the service is exposed to significant risk of harm. In these instances, CQC can move directly to prosecution without first serving a warning notice. Additionally, CQC may also take any other regulatory action. See the [offences section](#) for more detail.

CQC must refuse registration if providers cannot satisfy us that they can and will continue to comply with this regulation.

The regulation in full

14.—

1. The nutritional and hydration needs of service users must be met.
2. Paragraph (1) applies where—
 - a. care or treatment involves—
the provision of accommodation by the service provider, or
an overnight stay for the service user on premises used by the service for the purposes of carrying on a regulated activity, or
 - b. the meeting of the nutritional or hydration needs of service users is part of the arrangements made for the provision of care or treatment by the service provider.
3. But paragraph (1) does not apply to the extent that the meeting of such nutritional or hydration needs would—
 - a. result in a breach of regulation 11, or
 - b. not be in the service user's best interests.

4. For the purposes of paragraph (1), "nutritional and hydration needs" means—
 - a. receipt by a service user of suitable and nutritious food and hydration which is adequate to sustain life and good health,
 - b. receipt by a service user of parenteral nutrition and dietary supplements when prescribed by a health care professional,
 - c. the meeting of any reasonable requirements of a service user for food and hydration arising from the service user's preferences or their religious or cultural background, and
 - d. if necessary, support for a service user to eat or drink.
5. Section 4 of the 2005 Act (best interests) applies for the purposes of determining the best interests of a service user who is 16 or over under this regulation as it applies for the purposes of that Act.

Guidance

This sets out the guidance providers must have regard to against the relevant component of the regulation.

14(1) The nutritional and hydration needs of service users must be met.

Guidance on 14(1)

- Providers must include people's nutrition and hydration needs when they make an initial assessment of their care, treatment and support needs and in the ongoing review of these. The assessment and review should include risks related to people's nutritional and hydration needs.
- Providers should have a food and drink strategy that addresses the nutritional needs of people using the service.

14(2) Paragraph 1 applies where—

(a) care or treatment involves—

the provision of accommodation by the service provider, or

an overnight stay for the service user on premises used by the service for the purposes of carrying on a regulated activity, or

(b) the meeting of the nutritional or hydration needs of service users is part of the arrangements made for the provision of care or treatment by the service provider.

Guidance on 14(2)

- Providers must meet people's nutrition or hydration needs wherever an overnight stay is provided as part of the regulated activity or where nutrition or hydration are provided as part of the arrangements made for the person using the service.

14(3) But paragraph (1) does not apply to the extent that the meeting of such nutritional or hydration needs would—

(a) result in a breach of regulation 11, or

(b) not be in the service user's best interests

Guidance on 14(3)

- Providers must follow people's consent wishes if they refuse nutrition and hydration unless a best interests decision has been made under the Mental Capacity Act 2005. Other forms of authority such as advance decisions should also be taken into account.
- CQC recognises that some services may vary the way they apply this regulation to take account of people's assessed needs and wishes. This includes specialist eating disorder services and some palliative care or end of life situations.

14(4) For the purposes of paragraph (1), "nutritional and hydration needs" means—

14(4)(a) receipt by a service user of suitable and nutritious food and hydration which is adequate to sustain life and good health,

Guidance on 14(4)(a)

- Nutrition and hydration assessments must be carried out by people with the required skills and knowledge. The assessments should follow nationally recognised guidance and identify, as a minimum:
 - requirements to sustain life, support the agreed care and treatment, and support ongoing good health
 - dietary intolerances, allergies, medication contraindications
 - how to support people's good health including the level of support needed, timing of meals, and the provision of appropriate and sufficient quantities of food and drink.

- Nutrition and hydration needs should be regularly reviewed during the course of care and treatment and any changes in people's needs should be responded to in good time.
- A variety of nutritious, appetising food should be available to meet people's needs and be served at an appropriate temperature. When the person lacks capacity, they must have prompts, encouragement and help to eat as appropriate.
- Where a person is assessed as needing a specific diet, this must be provided in line with that assessment. Nutritional and hydration intake should be monitored and recorded to prevent unnecessary dehydration, weight loss or weight gain. Action must be taken without delay to address any concerns.
- Staff must follow the most up-to-date nutrition and hydration assessment for each person and take appropriate action if people are not eating and drinking in line with their assessed needs.
- Staff should know how to determine whether specialist nutritional advice is required and how to access and follow it.
- Water must be available and accessible to people at all times. Other drinks should be made available periodically throughout the day and night and people should be encouraged and supported to drink.
- Arrangements should be made for people to receive their meals at a different time if they are absent or asleep when their meals are served.
- Snacks or other food should be available between meals for those who prefer to eat 'little and often'.

14(4)(b) receipt by a service user of parenteral nutrition and dietary supplements when prescribed by a health care professional,

Guidance on 14(4)(b)

- Providers must have systems to make sure that people using the service receive their prescribed parenteral nutrition and dietary supplements at the specified times.
- Parenteral nutrition and dietary supplements must only be administered by appropriately qualified, skilled, competent and experienced staff.

14(4)(c) the meeting of any reasonable requirements of a service user for food and hydration arising from the service user's preferences or their religious or cultural background, and

Guidance on 14(4)(c)

- People should be able to make choices about their diet.
- People's religious and cultural needs must be identified in their nutrition and hydration assessment, and these needs must be met. If there are any clinical contraindications or risks posed because of any of these requirements, these should be discussed with the person, to allow them to make informed choices about their requirements.
- When a person has specific dietary requirements relating to moral or ethical beliefs, such as vegetarianism, these requirements must be fully considered and met. Every effort should be made to meet people's preferences, including preference about what time meals are served, where they are served and the quantity.

14(4)(d) if necessary, support for a service user to eat or drink

Guidance on 14(4)(d)

- People's food must be placed within their reach and presented in a way that is easy to eat, such as liquidised or finger foods where appropriate.
- Food must be served and maintained at the right temperature for the whole mealtime.
- People should be encouraged to eat and drink independently. They should receive appropriate support, which may include encouragement as well as physical support, when they need it.
- People must have appropriate equipment or tools to help them eat and drink independently.
- Each person who requires support should have enough time to enable them to take adequate nutrition and hydration to sustain life and good health.