

Annex E: Offences chart

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

* The column 'Prosecution with qualifications' shows the regulations that require qualification for prosecuting. These are Regulations 12, 13(1) to (4) and 14 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. This qualification is given in Regulation 22(2) of those Regulations – namely, that the breach of the regulation results in people who use services being exposed to avoidable harm (physical or psychological), being exposed to a significant risk of such harm occurring or suffering a loss of money or property as a result of theft, misuse or misappropriation.

Reg No	Regulation	Prosecuted directly	Prosecution with qualifications*	Regulatory action other than prosecution
4	Requirements where the service provider is an individual or partnership			X
5	Fit and proper persons: directors			X
6	Requirement where the service provider is a body other than a partnership			X
7	Requirements relating to registered managers			X
8	General			X
9	Person-centre care			X
10	Dignity and respect			X
11	Need for consent	X		
12	Safe care and treatment		X	
13(1) - (4)	Safeguarding service users from abuse and improper treatment (1) Service users must be protected from abuse and improper treatment in accordance with this regulation.		X X	

Reg No	Regulation	Prosecuted directly	Prosecution with qualifications*	Regulatory action other than prosecution
	<p>(2) Systems and processes must be established and operated effectively to prevent abuse of service users.</p> <p>(3) Systems and processes must be established and operated effectively to investigate, immediately upon becoming aware of, any allegation or evidence of such abuse.</p> <p>(4) Care or treatment for service users must not be provided in a way that-</p> <p>(a) includes discrimination against a service user on grounds of any protected characteristic (as defined in section 4 of the Equality Act 2010) of the service user,</p> <p>(b) includes acts intended to control or restrain a service user that are not necessary to prevent, or not a proportionate response to, a risk of harm posed to the service user or another individual if the service user was not subject to control or restraint,</p> <p>(c) is degrading for the service user, or</p> <p>(d) significantly disregards the needs of the service user for care or treatment.</p>		X X X	
13(5)	<p>Safeguarding service users from abuse and improper treatment</p> <p>(1) A service user must not be deprived of their liberty for the purpose of receiving care or treatment without lawful authority.</p>			X
14	Meeting nutritional and hydration needs		X	
15	Premises and equipment			X
16(1)	Receiving and acting on complaints			
(2)	<p>(1) Any complaint received must be investigated and necessary and proportionate action must be taken in response to any failure identified by the complaint or investigation.</p> <p>(2) The registered person must establish and operate effectively an accessible system for identifying, receiving, recording, handling and responding to complaints by service users and other persons in relation to the carrying on of the regulated activity.</p>			X X

Reg No	Regulation	Prosecuted directly	Prosecution with qualifications*	Regulatory action other than prosecution
16(3)	<p>Receiving and acting on complaints</p> <p>(3) The registered person must provide to the Commission, when requested to do so and by no later than 28 days beginning on the day after receipt of the request, a summary of –</p> <ul style="list-style-type: none"> (a) complaints made under such complaints system, (b) responses made by the registered person to such complaints and any further correspondence with the complainants in relation to such complaints, and (c) any other relevant information in relation to such complaints as the Commission may request. 	X		
17(1) (2)	<p>Good governance</p> <p>(1) Systems or processes must be established and operated effectively to ensure compliance with the requirements in this Part.</p> <p>(2) Without limiting paragraph (1), such systems or processes must enable the registered person, in particular, to–</p> <ul style="list-style-type: none"> (a) assess, monitor and improve the quality and safety of the services provided in the carrying on of the regulated activity (including the quality of the experience of service users in receiving those services); (b) assess, monitor and mitigate the risks relating to the health, safety and welfare of services users and others who may be at risk which arise from the carrying on of the regulated activity; (c) maintain securely an accurate, complete and contemporaneous record in respect of each service user, including a record of the care and treatment provided to the service user and of decisions taken in relation to the care and treatment provided; (d) maintain securely such other records as are necessary to be kept in relation to– <ul style="list-style-type: none"> (i) persons employed in the carrying on of the regulated activity, and (ii) the management of the regulated activity; 			<p>X</p> <p>X</p>

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	<p>(e) seek and act on feedback from relevant persons and other persons on the services provided in the carrying on of the regulated activity, for the purposes of continually evaluating and improving such services;</p> <p>(f) evaluate and improve their practice in respect of the processing of the information referred to in sub-paragraphs (a) to (e).</p>			
17(3)	<p>Good governance</p> <p>(3) The registered person must send to the Commission, when requested to do so and by no later than 28 days beginning on the day after receipt of the request –</p> <p>(a) a written report setting out how, and the extent to which, in the opinion of the registered person, the requirements of paragraph (2)(a) and (b) are being complied with, and</p> <p>(b) any plans that the registered person has for improving the standard of the services provided to service users with a view to ensuring their health and welfare.</p>	X		
18	Staffing			X
19	Fit and proper persons employed			X
20	<p>Duty of candour</p> <p>(1) Registered persons must act in an open and transparent way with relevant persons in relation to care and treatment provided to service users in carrying on a regulated activity</p> <p>(2) As soon as reasonably practicable after becoming aware that a notifiable safety incident has occurred registered persons must-</p> <p>(a) notify the relevant person that the incident has occurred in accordance with paragraph (3), and</p> <p>(b) provide reasonable support to the relevant person in relation to the incident, including when giving such notification.</p> <p>(3) The notification to be given under paragraph (2)(a) must-</p> <p>(a) be given in person by one or more representatives of the registered</p>	X		X

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	<p>persons,</p> <p>(b) provide an account, which to the best of the registered persons' knowledge is true, of all the facts the registered persons know about the incident as at the date of the notification,</p> <p>(c) advise the relevant person what further enquiries into the incident the registered persons believe are appropriate,</p> <p>(d) include an apology, and</p> <p>(e) be recorded in a written record which is kept securely by the registered persons.</p> <p>(4) The notification given under paragraph (2)(a) must be followed by a written notification given or sent to the relevant person containing—</p> <p>(a) the information provided under paragraph (3)(b),</p> <p>(b) details of any enquiries to be undertaken in accordance with paragraph (3)(c),</p> <p>(c) the results of any further enquiries into the incident, and</p> <p>(d) an apology.</p> <p>(5) But if the relevant person cannot be contacted in person or declines to speak to the representative of the health service body—</p> <p>(a) paragraphs (2) to (4) are not to apply, and</p> <p>(b) a written record is to be kept of attempts to contact or to speak to the relevant person.</p> <p>(6) The registered provider must keep a copy of all correspondence with the relevant person under paragraph (4).</p>			<p>X</p> <p>X</p> <p>X</p>
20A	Requirement as to display of performance assessments	X		

Care Quality Commission (Registration) Regulations 2009

Reg No	Regulation	Prosecuted directly	With qualifications	Unable to prosecute
11	General A registered person must, insofar as they are applicable, comply with the requirements specified in regulations 12 to 20 in relation to any regulated activity in respect of which they are registered.			X
12	Statement of purpose	X		
13	Financial position			X
14	Notice of absence	X		
15	Notice of changes	X		
16	Notification of death of service user	X		
17	Notification of death or unauthorised absence of a service user who is detained or liable to be detained under the Mental Health Act 1983	X		
18	Notification of other incidents	X		
19	Fees etc	X		
20	Requirements relating to termination of pregnancies	X		