

Board of Directors

28 May 2020

Paper title:	Compliance Against Care Quality Commission Registration	Agenda item 18
Presented by:	Phillipa Hubbard, Director of Nursing, Professions and Care Standards	
Prepared by:	Jenny Wilkes, Deputy Director Compliance, Risk and Nursing	

Purpose of the report		
To provide the Board of Directors with an update on the Trusts compliance with the Care Quality Commission (Registration) Regulations 2009 and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.	For approval	X
	For discussion	
	For information	X

Executive summary		
<p>The Trust must comply with the requirements of the Care Quality Commission. This paper presents the current position in respect of compliance with the Care Quality Commission and notes the issues and actions that have taken place since the Board of Directors received the most recent updates.</p> <p>The Trust continues to be registered with the Care Quality Commission (with conditions) for the regulated activities it provides and locations from which services are delivered. The Trust has made the statutory notifications required by the Care Quality Commission and through presentation and discussion of these at Quality and Safety Committee, Mortality and Duty of Candour Group and Mental Health Legislation Committee. This ensures that there is appropriate oversight and challenge and the need for action and opportunity for learning to be identified.</p> <p>Further work is required to ensure that the Trust is registered for the correct regulated activities.</p>		
Do the recommendations in this paper have any impact upon the requirements of the protected groups identified by the Equality Act?	<p style="text-align: center;">State below 'Yes' or 'No'</p> <p style="text-align: center;">No</p>	If yes please set out what action has been taken to address this in your paper

Recommendation
<p>The Board of Directors is asked to:</p> <ul style="list-style-type: none"> • Note the current position regarding compliance with the CQC registration requirements • Endorse the recommendations outlined in Section 5

Strategic vision				
Please mark those that apply with an X				
Providing excellent quality services and seamless access	Creating the best place to work	Supporting people to live to their fullest potential	Financial sustainability growth and innovation	Governance and well-led
				X

Care Quality Commission domains				
Please mark those that apply with an X				
Safe	Effective	Responsive	Caring	Well Led
X	X	X	X	X

Relationship to the Board Assurance Framework (BAF)	The work contained with this report links to the following strategic risk(s) as identified in the BAF: <ul style="list-style-type: none"> • 2295
Links to the Corporate Risk Register (CRR)	The work contained with this report links to the following corporate risk(s) as identified in the CRR: <ul style="list-style-type: none"> • None
Compliance and regulatory implications	The following compliance and regulatory implications have been identified as a result of the work outlined in this report: <ul style="list-style-type: none"> • Reg 12 of Care Quality Commission (Registration) Regulations 2009 • Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

Meeting of the Board of Directors

28 May 2020

Compliance Against Care Quality Commission Registration Requirements

1 Purpose

As a provider of NHS healthcare services, the Trust falls under the remit of the Care Quality Commission (CQC) as a key regulator.

The CQC require the providers of NHS healthcare services to be registered and to make a range of statutory notifications and to participate in its inspection regime.

This report provides an update on the Trusts compliance with the registration requirements of CQC.

2 CQC Registration

Any person (individual, partnership or organisation) who provides regulated activity in England must be registered with the Care Quality Commission.

To be registered an application must be made, providing details about the applicant, the regulated activities applied for and the places at which (or from which), it will be provided ('locations').

There is a clear process in place for any changes to be made to the registration of the Trust.

The Board of Directors last received assurance in May 2019 about the Trusts CQC registration.

The Trust is currently compliant with the registration requirements as set out in the Care Quality Commission (Registration) Regulations 2009.

However, the Trust is currently not registered accurately in respect of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and the Statement of Purpose has not been amended to reflect the current service provision.

- It is proposed that the Deputy Director of Compliance, Risk and Nursing reviews the regulated activities in line with the activities provided by the trust at its 'locations' and submits the relevant documentation to amend the Trusts registration with the CQC.
- The Trust Statement of Purpose should be reviewed, updated and submitted if required.
- Current registration of Regulated activity and locations can be seen below: Those highlighted in yellow are possibly incorrectly registered regulated activity.

Regulated Activity and Locations

	Trust HQ New Mill	Airedale Centre for Mental Health	Lynfield Mount Hospital	Barkerend Health Centre	Holmewood Health Centre	Horton Park Medical Centre	Keighley Health Centre	Kensington Street Health Centre	Royds Healthy Living Centre	Shipley Health Centre	Westbourne Green Community Health	Bradford Royal Infirmary	Waddiloves Health Centre
Assessment /Medical Treatment for persons detained under the MHA 1983	✓	✓	✓										
Accommodation for persons who require nursing or personal care		✓	✓										
Accommodation for persons who require treatment for substance misuse		✓	✓										
Diagnostic and screening procedures		✓	✓	✓	✓	✓	✓	✓	✓	✓			
Nursing Care	✓												

Personal Care	✓												
Surgical Procedures		✓										✓	
Treatment of disease, disorder, or injury	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓

3 Statutory Notifications required by the Health and Social Care Act

Under the Health and Social Care Act 2008, registered providers have a statutory duty to notify the CQC about certain important events that affect people who use their service or the service itself.

Regulation 12	Changes to the Statement of Purpose
Regulation 15	Notice of Changes
Regulation 16	Certain deaths of people who use a regulated activity
Regulation 17	Deaths and unauthorised absences of people who are detained or liable to be detained under the MHA 1983
Regulation 18	Other incidents: <ul style="list-style-type: none"> • Admission of a child under the age of 18 to an adult psychiatric unit or ward • Applications to deprive a person of their liberty under MCA 2005 • Any abuse or allegation of abuse • Events that stop or may stop the service running safely and properly • Serious injuries to people who use the activity.

The notifications are reported on a regular basis to Quality and Safety Committee, Mental Health Legislation Committee and the Mortality and Duty of Candour group. It is recommended that the trust review all notifications made to the CQC, looking at themes and trends, on an annual basis.

4 Risks

There is a regulatory risk if the Trust does not ensure it maintains an accurate certificate of registration when there is a change of regulated activity or fails to update the Statement of Purpose.

There is a risk that the trust does not have a complete picture of all the notifications it submits if there is not full oversight on an annual basis. Learning lessons without this approach could also be impacted leading to impact on patient safety.

5 Recommendations

- The Deputy Director of Compliance, Risk and Nursing reviews the regulated activities in line with the activities provided by the trust at its 'locations' and submits the relevant documentation to amend the Trusts registration with the CQC.
- Quality and Safety Committee should receive an annual update regarding submitted notifications and provide assurance to the Board of Directors regarding actions taken and lessons learned.
- The Board of Directors should be assured annually that the Care Quality Commission (Registration) Regulations 2009 and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 are being met.

Jenny Wilkes
Deputy Director of Compliance, Risk and Nursing
14 May 2020