

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

This table shows the action we will take if we find a breach of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

<b>Reg no</b>	<b>Regulation</b>	<b>Action we take</b>
<b>4</b>	Requirements where the service provider is an individual or partnership	Regulatory action other than prosecution
<b>5</b>	Fit and proper persons: directors	Regulatory action other than prosecution
<b>6</b>	Requirement where the service provider is a body other than a partnership	Regulatory action other than prosecution
<b>7</b>	Requirements relating to registered managers	Regulatory action other than prosecution

<b>Reg no</b>	<b>Regulation</b>	<b>Action we take</b>
8	General	Regulatory action other than prosecution
9	Person-centre care	Regulatory action other than prosecution
9A	Visiting and accompanying	Regulatory action other than prosecution
10	Dignity and respect	Regulatory action other than prosecution
11	Need for consent	Prosecuted directly
12	Safe care and treatment	Prosecution with qualifications*
13	Safeguarding service users from abuse and improper treatment	Prosecution with qualifications*
1 3(1)	1. Service users must be protected from abuse and improper treatment in accordance with this regulation.	Prosecution with qualifications*
1 3(2)	2. Systems and processes must be established and operated effectively to prevent abuse of service users.	Prosecution with qualifications*

Reg no	Regulation	Action we take
1 3(3)	3. Systems and processes must be established and operated effectively to investigate, immediately upon becoming aware of, any allegation or evidence of such abuse.	Prosecution with qualifications*
1 3(4)	<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>	Prosecution with qualifications*

<b>Reg no</b>	<b>Regulation</b>	<b>Action we take</b>
<b>1 3(5)</b>	5. A service user must not be deprived of their liberty for the purpose of receiving care or treatment without lawful authority.	Regulatory action other than prosecution
<b>14</b>	Meeting nutritional and hydration needs	Prosecution with qualifications*
<b>15</b>	Premises and equipment	Regulatory action other than prosecution
<b>1 6(1)</b>	<p>Receiving and acting on complaints</p> <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>	Regulatory action other than prosecution
<b>1 6(2)</b>	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.	Regulatory action other than prosecution

<b>Reg no</b>	<b>Regulation</b>	<b>Action we take</b>
<b>1 6(3)</b>	<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> <p>(a) complaints made under such complaints system,</p> <p>(b) responses made by the registered person to such complaints and any further correspondence with the complainants in relation to such complaints, and</p> <p>(c) any other relevant information in relation to such complaints as the Commission may request.</p>	Prosecuted directly
<b>1 7(1)</b>	<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>	Regulatory action other than prosecution

Reg no	Regulation	Action we take
1 7(2)	<p>2. Without limiting paragraph (1), such systems or processes must enable the registered person, in particular, to-</p> <p>(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);</p> <p>(b) assess, monitor and mitigate the risks relating to the health, safety and welfare of service users and others who may be at risk which arise from the carrying on of the regulated activity;</p> <p>(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;</p> <p>(d) maintain securely such other records as are necessary to be kept in relation to-</p>	Regulatory action other than prosecution

Reg no	Regulation	Action we take
	<p>(i) persons employed in the carrying on of the regulated activity, and</p> <p>(ii) the management of the regulated activity;</p> <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>	

Reg no	Regulation	Action we take
17(3)	<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>	Prosecuted directly
18	Staffing	Regulatory action other than prosecution
19	Fit and proper persons employed	Regulatory action other than prosecution



Reg no	Regulation	Action we take
20(1)	<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>	Regulatory action other than prosecution
20(2)	2. As soon as reasonable practicable after becoming aware that a notifiable safety incident has occurred registered persons must-	Prosecuted directly
20(2)	a. notify the relevant person that the incident has occurred in accordance with paragraph (3), and	Regulatory action other than prosecution
20(2b)	b. provide reasonable support to the relevant person in relation to the incident, including when giving such notification.	Regulatory action other than prosecution

Reg no	Regulation	Action we take
20(3)	<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 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>	Prosecuted directly

Reg no	Regulation	Action we take
20(4)	<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>	Regulatory action other than prosecution
20(5)	<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>	Regulatory action other than prosecution

Reg no	Regulation	Action we take
20(6)	6. The registered provider must keep a copy of all correspondence with the relevant person under paragraph (4).	Regulatory action other than prosecution
20A	Requirement as to display of performance assessments	Prosecuted directly

\*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.