



Department of Health

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From the Rt Hon Jeremy Hunt MP
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De M. Oakley,

Thank you for your Rule 43 letter of 6 July 2013 regarding the sad deaths of Stanley Dobson and Lesley Taylor.

In your letter you asked me to consider reviewing the staff ratios in care homes and establishing national guidelines or regulations.

You are correct that there are no set ratios of staff to residents in care and nursing homes. The levels of need of residents can vary a great deal and it would simply not be practical to devise ratios which would be suitable for all circumstances. However, all homes are required by law to ensure that sufficient numbers of properly qualified staff are on duty at all times.

The Care Quality Commission (CQC) is the independent regulator of health and adult social care providers in England. Under the Health and Social Care Act, 2008, all providers of regulated activities, including NHS, public and independent sector providers, must register with CQC and meet regulations and standards governing the safety and quality of services. Regulation 22 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010, against which CQC registers and regulates providers, states:

“In order to safeguard the health, safety and welfare of service users, the registered person must take appropriate steps to ensure that, at all times, there are sufficient numbers of suitably qualified, skilled and experienced persons employed for the purposes of carrying on the regulated activity.”

CQC is responsible for deciding whether providers are meeting regulatory requirements. It is an offence for a provider not to comply with the requirements

and under the 2008 Act, CQC has a wide range of enforcement powers it can use if it finds a provider is not compliant.

On 26 March 2013, the Government published *Patients First and Foremost*, its initial response to the Report of the Public Inquiry into Mid Staffordshire NHS Foundation Trust. The document sets out an initial overarching response on behalf of the health and care system as a whole.

One of the recommendations was that CQC should introduce new Chief inspectors of Social Care, Hospitals and Primary Care, as well as a set of new fundamental standards of safety and quality, which make explicit the basic standard beneath which care should never fall. CQC published its new three year strategy for 2013 to 2016 and set out how it would introduce the recommendations, as well as setting out its strategic priorities for driving improvement in the quality of care.

http://www.cqc.org.uk/sites/default/files/media/documents/cqc_strategy_consultation_2013-2016_tagged_0.pdf

On 19 July, Andrea Sutcliffe was appointed to be the first Chief Inspector of Social Care. The Chief Inspector will:

- Make authoritative judgements about the quality of care and recommend that action is taken when they identify failing providers
- Spearhead inspections based on risk, not frequency, together with more in-depth inspections where quality is found to be poor
- Be the public face of CQC to their respective professions or sectors and lead communicators with the media
- Produce a single rating system covering all providers

The Department and the CQC will develop the fundamental standards of care to reflect the experiences of service users and carers. CQC is currently consulting on the new standards, which, when finalised, will be incorporated in to the registration requirements, alongside other 'expected standards' that providers will also need to meet. The regulation requirements will still include a requirement related to staffing, which will be similar to the current requirement referred to above. There is no intention to add specific staffing ratios to the registration requirements.

I hope this response is helpful. Thank you for bringing the circumstances of Stanley Hope's and Lesley Taylor's deaths to my attention.

Yours sincerely

Jeremy Hunt

JEREMY HUNT