

Number 50

The Care Standards Act 2000 - A Summary Overview

The existing regime of regulation of private nursing and residential homes by the Registered Homes Act 1984 has now been replaced (since 1st April 2002) by the Care Standards Act 2000. The job of regulating the independent health and care sector by health authorities and local authorities has now been taken over by the National Care Standards Commission ("NCSC") which was established in April 2001. From 1st April 2002, the NCSC became responsible for the registration and inspection of all care homes and private healthcare facilities in England. Such facilities are now categorised as either "Care Homes" or "Independent Hospitals". For those in the mental health sector, what were previously known as "Mental Nursing Homes" will now be "Independent Hospitals" (as will private psychiatric hospitals) and the reference to "Mental Nursing Home" in Section 127 Mental Health Act 1983 has been amended accordingly.

The purpose of the new regime is to create consistency in the interpretation of the legislation and the application of this to the independent health and care sector. Previously, where the function had been undertaken by the various health authorities, there was a significant variation across the country in the application and interpretation of the legislation and the intention is now to create some consistency through the NCSC.

National Care Standards Commission

The NCSC has been established to create consistency. With Headquarters in Newcastle, the NCSC has 8 regional directors and offices and 78 area managers and offices reporting to it. The teams will undertake the regulation and inspection obligations which include:

- registering all care homes and independent hospitals
- inspecting all care homes and independent hospitals
- assisting in compliance with the legislation and the improvement of the quality of services
- dealing with some complaints
- promoting standards of care in accordance with the regulations that also come into force on 1st April 2002

New Regulations

The Care Standards Act gives powers to the Secretary of State to publish national minimum standards (NMS) and the key standards for mental health are listed at the end of this briefing. They apply to every independent hospital. In addition, the Private and Voluntary Healthcare (England) Regulations 2001 also come into force from 1st April 2002 and include specific provisions for mental health establishments.

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New Principles

The NMS that are to apply to mental health units are based on principles that seek to ensure that services are patient centred, quality assured and safe. Service providers are to be accountable and be able to evidence that information about services has been provided to patients in a form that they can understand (ensuring availability of information in languages other than English or access to interpreters where appropriate). Patients must be given the opportunity to comment on services. The intention is that the NMS are applied consistently across the country.

Detained Patients

Units providing care and treatment for patients detained under the Mental Health Act will need to be specifically registered as such. They will also have to comply with additional standards (from the list set out below) which apply specifically to units caring for detained patients.

Complaints

It is essential for all units to have an effective complaints procedure in place. This will provide patients with a procedure to complain to the service provider. If the patient is dissatisfied with this procedure, he may complain to the relevant NCSC area office and if the patient received care and treatment under the Mental Health Act, may also complain to the Mental Health Act Commission.

Conclusion

The establishment of the NCSC is a significant step in the development of regulation of the private healthcare sector. It should enable consistency of approach and improvement in quality of service. The regulations that it will be enforcing under the Care Standards Act are extensive and units will no doubt have been working on implementation of these for many months. As the interpretation of these becomes clear, further bulletins will follow.

National Minimum Standards

- 1-4 Quality of treatment and care
 - 5-6 Human Resources
 - 7-10 Risk management
 - 11-35 Patient treatment and care
 - 36-40 Child and adolescent services
 - 41 Information for staff
 - 42 Rights of patients under the Mental Health Act
 - 43 Seclusion of patients
 - 44 Section 17 leave
 - 45 Absence without leave under Section 17 MHA
 - 46 Discharge of detained patients
 - 47 Staff training on the MHA
- (standards 41-47 apply to patients liable to be detained under the MHA)*

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Out of office emergency advice available 24hrs on 07802 506 306.
Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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