
Public Board Meeting, 22 January 2009

Healthcare Commission Hygiene Code Inspection and Care Quality Commission Registration

Presented by: **Graham Ramsay**

1. Purpose

This paper provides the Board with details of the outcome of the Healthcare Commission's unannounced visit to review compliance with the Hygiene Code which took place on 1 and 2 October 2008. It also seeks the Board's approval to submit the registration documentation to the Care Quality Commission (successor to the Healthcare Commission) in relation to healthcare associated infection (HCAI).

2. Background and Outcome of Inspection

The Trust Board has previously been made aware that the Healthcare Commission would be undertaking a national programme of unannounced visits to Trusts to review compliance with the Hygiene Code. The Trust was inspected on 1 and 2 October during which particular focus was given to duties 2 (to have in place appropriate management systems for infection prevention control), 4 (provide and maintain a clean and appropriate environment for healthcare) and 8 (provide adequate isolation facilities).

The Healthcare Commission concluded that the Trust were in breach of:

- duty 2 sub duty c
- duty 4 sub duties a, c, d and f
- duty 8 fully met

The recommendations are contained in the full report, attached at appendix 1.

Action has been taken to address all the recommendations with the exception of sub duty 4f in relation to decontamination. The Trust has consistently declared non compliance against this sub duty for the year and in respect of Standards for Better Health. The Trust is working as part of the Hertfordshire and North London Consortium to agree an out-sourced service which will enable the Trust to achieve full compliance (see Board paper on Decontamination Project – Update Briefing). The Healthcare Commission has indicated that they will check progress with implementation of the recommendations in six months.

3. Care Quality Commission HCAI Registration

In October 2008 the Care Quality Commission (CQC) published details of how it will:

- drive further improvements in how the NHS deals with healthcare associated infections, such as MRSA
- use its new enforcement powers to improve the quality and safety of health and adult social care services for the people who use them

Guidance was issued to the NHS on the requirements for registering with the CQC in relation to HCAI.

Under the Health and Social Care Act 2008, the CQC has a number of new enforcement powers to deal with underperforming services – to inspect and investigate, to issue a statutory warning notice, to issue a financial penalty notice in lieu of prosecution and, in the most serious cases, to prosecute or suspend registration. The use of these powers will focus on HCAI from 1 April 2009. The Act will come fully into force in April 2010. During 2009/10 the CQC will use existing enforcement frameworks in relation to other aspects of NHS care, independent healthcare and social care that the Healthcare Commission and the Commission for Social Care Inspection use now.

From April 2009, Trusts will be required to register with the CQC and comply with the new requirements and regulations under the 2008 Act that require them to protect patients, staff and others from identifiable risks of acquiring a healthcare-associated infection. Trusts will need to apply for registration with CQC between 12 January and 6 February 2009. CQC will then make registration decisions from 7 March 2009, and enforcement via the new powers will be possible from 1 April 2009. If the CQC takes enforcement action against a NHS provider over HCAI during 2009/10, it will use the powers in the 2008 Act. A wider registration system for all aspects of care across both health and adult social care providers will apply from April 2010.

Before the Trust can submit its registration, the Board has to approve what is being submitted. Attached at appendix 2 is the proposed submission, which the Board is asked to consider and approve.

4. Recommendation

The Board is asked to:

- note the report from the Healthcare Commission following the Hygiene Code inspection visit
- note that action has been taken to address all recommendations with the exception of sub duty 4f which is subject to a consortium approach with Trusts in North London
- note the requirement for the Trust to register with the Care Quality Commission in respect of HCAI
- agree the wording in the proposed registration submission

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