



MANAGEMENT ANSWERS

LEGISLATION WHICH RELATES TO THE PROVISION OF HEALTH AND CARE SERVICES.

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DESCRIBE BRIEFLY THE LEGISLATION WHICH RELATES TO THE PROVISION OF HEALTH AND CARE SERVICES.

Care Standards Act 2000

National Minimum Standards for Care Homes for Older People

This document contains a statement of national minimum standards published by the Secretary of State under section 23(1) of the Care Standards Act 2000. The statement is applicable to care homes (as defined by section 3 of that Act) which provide accommodation, together with nursing or personal care, for older people.

The statement is accompanied, for explanatory purposes only, by an introduction to the statement as a whole, and a further introduction to each group of standards. Each individual standard is numbered and consists of the numbered heading and numbered paragraphs. Each standard is, for explanatory purposes only, preceded by a title and an indication of the intended outcome in relation to that standard.

Aims

This document sets out National Minimum Standards for Care Homes for Older People, which form the basis on which the new National Care Standards Commission will determine whether such care homes meet the needs, and secure the welfare and social inclusion, of the people who live there.

The national minimum standards set out in this document are core standards which apply to all care homes providing accommodation and nursing or personal care for older people. The standards apply to homes for which registration as care homes is required.

While broad in scope, these standards acknowledge the unique and complex needs of individuals, and the additional specific knowledge, skills and facilities needed in order for a care home to deliver an individually tailored and comprehensive service.

Certain of the standards do not apply to pre-existing homes including local authority homes, "Royal Charter" homes and other homes not previously required to register.

The standards do not apply to independent hospitals, hospices, clinics or Establishment's registered to take patients detained under the Mental Health Act 1983.

Regulatory Context

These standards are published by the Secretary of State for Health in accordance with section 23 of the Care Standards Act 2000 (CSA). They will apply from 1 June 2003, unless otherwise stated in any standard.

The Care Standards Act created the National Care Standards Commission (NCSC), an independent non-governmental public body, which regulates social and health care services previously regulated by local councils and health authorities. In addition, it extended the scope of regulation significantly to other services not previously registered, including domiciliary care agencies, fostering agencies and residential family centres.

The CSA sets out a broad range of regulation making powers covering, amongst other matters, the management, staff, premises and conduct of social and independent healthcare establishments and agencies.

Under the Care Standards Act the Secretary of State for Health has powers to publish statements of National Minimum Standards. In assessing whether a care home conforms to the Care Homes Regulations 2001, which **are** mandatory, the National Care Standards Commission **must** take the standards into account.

However, the Commission **may** also take into account any other factors it considers reasonable or relevant to do so.

Compliance with national minimum standards is not itself enforceable, but compliance with regulations is enforceable subject to national standards being taken into account.

The Commission may conclude that a care home has been in breach of the regulations even though the home largely meets the standards. The Commission also has discretion to conclude that the regulations have been complied with by means other than those set out in the national minimum standards.

