



Regulations for Service Providers & Managers

The following guidance describes how providers and managers can meet the regulations. These include the fundamental standards – (*) **the standards below which care must never fall.**

[Providers/Managers = Dental/Vetinary Practices]

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

- Regulation 12: Safe care and treatment (*)

(1) Care and treatment must be provided in a safe way for service users.

(2) Without limiting paragraph (1), the things which a registered person must do to comply with that paragraph include—

(d) Ensuring that the premises used by the service provider are safe to use for their intended purpose and are used in a safe way;

(e) Ensuring that the equipment used by the service provider for providing care or treatment to a service user is safe for such use and is used in a safe way;

- Providers must ensure the safety of their premises and the equipment within it. They should have systems and processes that assure compliance with statutory requirements, national guidance and safety alerts.

- Providers retain legal responsibility under these regulations when they delegate responsibility through contracts or legal agreements to a third party, independent suppliers, professionals, supply chains or contractors. They must therefore make sure that these regulations are adhered to as responsibility for any shortfall rests with the provider.

- Providers should have and implement up to date induction and training plans for the safe operation of premises and equipment, including incident reporting and emergency and contingency planning.

- Providers should include in their financial planning the capital and revenue costs of maintaining safety.

- Providers must make sure that equipment is suitable for its purpose, properly maintained and used correctly and safely. This includes making sure that staff using the equipment have the training, competency and skills needed.

In summary...

The intention of this regulation is to prevent people from receiving unsafe care and treatment and prevent avoidable harm or risk of harm. Providers must assess the risks to people's health and safety during any care or treatment and make sure that staff have the qualifications, competence, skills and experience to keep people safe. Providers must make sure that the premises and any equipment used is safe and where applicable, available in sufficient quantities.



Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

- Regulation 15: Premises and equipment (*)

(1) All premises and equipment used by the service provider must be—

(d) Properly used,

(e) Properly maintained,

- Providers must make sure that they meet the requirements of relevant legislation so that premises and equipment are properly used and maintained.

- The provider's Statement of Purpose and operational policies and procedures for the delivery of care and treatment should specify how the premises and equipment will be used.

- Any change of use of premises and/or equipment should be informed by a risk assessment and providers must make appropriate alterations to premises and equipment where reasonably practical. Where this is not possible, providers should have appropriate contingency plans and arrangements to mitigate the risks to people using the service. Alterations must be in line with current legislation and guidance.

- There should be regular health and safety risk assessments of the premises (including grounds) and equipment. The findings of the assessments must be acted on without delay if improvements are required. • There should be suitable arrangements for the purchase, service, maintenance, renewal and replacement of premises (including grounds) and equipment. These arrangements must make sure that they meet the requirements of current legislation and guidance, manufacturers' instructions and the provider's policies or procedures.

- Providers must have operational policies and procedures and maintenance budgets to maintain their equipment, buildings and mechanical engineering and electrical systems so that they are sound, operationally safe and exhibiting only minor deterioration.

- All equipment must be used, stored and maintained in line with manufacturers' instructions. It should only be used for its intended purpose and by the person for whom it is provided.

- Providers must make sure that staff and others who operate the equipment are trained to use it appropriately.

In summary ...

The intention of this regulation is to make sure that the premises where care and treatment are delivered are clean, suitable for the intended purpose, maintained and where required, appropriately located, and that the equipment that is used to deliver care and treatment is clean, suitable for the intended purpose, maintained, stored securely and used properly. Providers retain legal responsibility under these regulations when they delegate responsibility through contracts or legal agreements to a third party, independent suppliers, professionals, supply chains or contractors. They must therefore make sure that they meet the regulation, as responsibility for any shortfall rests with the provider.



Care Quality Commission (Registration) Regulations 2009

- Regulation 15: Notice of changes
- **CQC understands that there may be inherent risks in carrying out care and treatment, and we will not consider it to be unsafe if providers can demonstrate that they have taken all reasonable steps to ensure the health and safety of people using their services and to manage risks that may arise during care and treatment.**
- **CQC can prosecute for a breach of this regulation or a breach of part of the regulation if a failure to meet the regulation results in avoidable harm to a person using the service or if a person using the service is exposed to significant risk of harm. We do not have to serve a Warning Notice before prosecution. Additionally, CQC may also take other regulatory action.**
- **CQC must refuse registration if providers cannot satisfy us that they can and will continue to comply with this regulation.**