
STATUTORY INSTRUMENTS

2009 No. 3112

The Care Quality Commission (Registration) Regulations 2009

PART 4

REGISTRATION REQUIREMENTS

Notification of other incidents

18.—(1) Subject to paragraphs (3) and (4), the registered person must notify the Commission without delay of the incidents specified in paragraph (2) which occur whilst services are being provided in the carrying on of a regulated activity, or as a consequence of the carrying on of a regulated activity.

(2) The incidents referred to in paragraph (1) are—

- (a) any injury to a service user which, in the reasonable opinion of a health care professional, has resulted in—
 - (i) an impairment of the sensory, motor or intellectual functions of the service user which is not likely to be temporary,
 - (ii) changes to the structure of a service user's body,
 - (iii) the service user experiencing prolonged pain or prolonged psychological harm, or
 - (iv) the shortening of the life expectancy of the service user;
- (b) any injury to a service user which, in the reasonable opinion of a health care professional, requires treatment by that, or another, health care professional in order to prevent—
 - (i) the death of the service user, or
 - (ii) an injury to the service user which, if left untreated, would lead to one or more of the outcomes mentioned in sub-paragraph (a);
- (c) any request to a supervisory body made pursuant to Part 4 of Schedule A1 to the 2005 Act by the registered person for a standard authorisation, including the result of such a request;
- (d) any application made to a court in relation to depriving a service user of their liberty pursuant to section 16(2)(a) of the 2005 Act;
- (e) any abuse or allegation of abuse in relation to a service user;
- (f) any incident which is reported to, or investigated by, the police;
- (g) any event which prevents, or appears to the service provider to be likely to threaten to prevent, the service provider's ability to continue to carry on the regulated activity safely, or in accordance with the registration requirements, including—
 - (i) an insufficient number of suitably qualified, skilled and experienced persons being employed for the purposes of carrying on the regulated activity,
 - (ii) an interruption in the supply to premises owned or used by the service provider for the purposes of carrying on the regulated activity of electricity, gas, water or

sewerage where that interruption has lasted for longer than a continuous period of 24 hours,

- (iii) physical damage to premises owned or used by the service provider for the purposes of carrying on the regulated activity which has, or is likely to have, a detrimental effect on the treatment or care provided to service users, and
- (iv) the failure, or malfunctioning, of fire alarms or other safety devices in premises owned or used by the service provider for the purposes of carrying on the regulated activity where that failure or malfunctioning has lasted for longer than a continuous period of 24 hours.

(3) Paragraph (2)(f) does not apply where the service provider is an English NHS body.

(4) Where the service provider is a health service body, paragraph (1) does not apply if, and to the extent that, the registered person has reported the incident to the National Patient Safety Agency.

(5) In this regulation—

- (a) “the 2005 Act” means the Mental Capacity Act 2005⁽¹⁾;
- (b) “abuse”, in relation to a service user, means—
 - (i) sexual abuse,
 - (ii) physical or psychological ill-treatment,
 - (iii) theft, misuse or misappropriation of money or property, or
 - (iv) neglect and acts of omission which cause harm or place at risk of harm;
- (c) “health care professional” means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999⁽²⁾ applies;
- (d) “registration requirements” means any requirements or conditions imposed on the registered person by or under Chapter 2 of Part 1 of the Act;
- (e) “standard authorisation” has the meaning given under Part 4 of Schedule A1 to the 2005 Act;
- (f) “supervisory body” has the meaning given in paragraph 180 (in relation to a hospital in England) or paragraph 182 (in relation to a care home) of Schedule A1 to the 2005 Act;
- (g) for the purposes of paragraph (2)(a)—
 - (i) “prolonged pain” and “prolonged psychological harm” means pain or harm which a service user has experienced, or is likely to experience, for a continuous period of at least 28 days, and
 - (ii) a sensory, motor or intellectual impairment is not temporary if such an impairment has lasted, or is likely to last, for a continuous period of at least 28 days.

⁽¹⁾ 2005 c. 9. Schedule A1 was inserted by Schedule 7 to the Mental Health Act 2007 (c. 12).

⁽²⁾ 1999 c. 8. Section 60(2) was amended by the Health and Social Care Act 2008, Schedule 8, paragraph 1(3) and Schedule 15, Part 2 and by S.I. 2002/253 and 254.