

# Purpose and principles of enforcement

## Purpose of enforcement

We have 2 primary purposes when using our enforcement powers:

1. **To protect people who use regulated services from harm and the risk of harm, and to ensure they receive health and social care services of an appropriate standard.**

We may work with a provider **without using enforcement powers** to improve standards where the quality or safety of a service is below those required, but we assess the risk of harm is not immediate and we consider the provider should be able to improve standards on its own.

We may **take enforcement action** to compel improvement where the quality or safety of a service has fallen to unacceptable levels.

2. **To hold providers and individuals to account for failures in how the service is provided.**

We have powers to pursue criminal sanctions when there has been a breach of the fundamental standards of quality and safety, or some other criminal offence.

The aim of using the full range of our enforcement powers, including criminal sanctions, is to focus providers on the need for their services to meet the regulatory requirements.

When a service falls below the required standards, we will consider both purposes.

## Principles guiding the use of our enforcement powers

We will use our enforcement powers to promote our statutory objective of protecting and promoting the health, safety and welfare of people who use health and social care services. The following principles will guide our decision making:

### Being on the side of people who use regulated services

- Where appropriate, we are prepared to use the full range of our powers to ensure that people receive safe, effective, compassionate, high-quality care that meets regulatory requirements.
- The starting point for considering the use of all enforcement powers is to assess the harm, or the risk of harm, to people using a service.

### Proportionality

- We will only take action that we judge to be proportionate to the circumstances of the individual case. If we judge that the provider can improve the service on its own – and where the risks to people who use services are not immediate – we aim to work with them to improve standards rather than taking enforcement action.

### Consistency

- We aim to be consistent in applying our enforcement powers by dealing with similar cases in a similar way where possible. However, consistency does not mean we will use the same enforcement action every time a regulation is breached. Our enforcement decision tree is designed to enable us to select the appropriate power for each individual case.

## Transparency

- We will strive to be open and transparent in our approach to enforcement by:
  - publishing related information, including the criteria we use to make decisions and the processes to make appeals and representations against these decisions
  - publishing information about our enforcement activity and including it in management information reported to our public Board meetings
  - consulting on any material changes to this enforcement policy.