

At last, care home abuse bosses will be held to account

CARE home and hospital bosses who preside over abuse and neglect could be prosecuted under a major government crackdown.

Shockingly, not a single manager has ever been prosecuted over scandals such as Winterbourne View, where residents were assaulted by staff, and Mid-Staffordshire, where as many as 1,200 patients died unnecessarily.

Now, under rules unveiled today, families of victims of poor care will get their day in court.

Care Minister Norman Lamb will announce plans to make it easier for the Care Quality Commission watchdog, to take failing managers to court and subject them to unlimited fines.

The new regulations will also cover managers of private companies which provide home-help for vulnerable pensioners.

Such firms have been accused of failing in their duty by scheduling visits lasting as little as 15

By **Daniel Martin**
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minutes. The the new rules will close a loophole in the current system which means that providers responsible for appalling failures can escape prosecution.

This is because the Care Quality Commission can only prosecute in cases where it has previously issued a warning notice to the provider which the provider failed to comply with. Now the CQC will be able to prosecute without first issuing a warning.

Under the new regime, those in charge of care homes and hospitals which allow systematic neglect and abuse could be held personally and criminally accountable.

It would see senior managers at board level face huge fines if it could be proved they were responsible for failings.

And private companies providing standard social care would face unlimited fines.

There will also be a new 'fit and

proper person' test to ensure that managers who do not come up to scratch on honesty, integrity and competence standards are removed from their post.

The CQC will be able to force a hospital or care home board to get rid of such managers. They will also be blacklisted from working elsewhere.

Mr Lamb said: 'Scandals like Winterbourne View and Mid-

'Not one person prosecuted'

Staffs have damaged confidence in our health and care system.

'Part of our commitment to rebuilding that trust comes from making sure that people at all levels are held to account for failings when they occur.

'The brutal fact is... the owners of Winterbourne View, [were never] prosecuted for the failure which took place there. Despite a whole host of scandals over recent years, not one person has

been prosecuted by the CQC. I find that extraordinary. They have done nothing more than issuing four penalty notices. These reforms give them the power to prosecute for corporate neglect.'

The introduction of a mandatory 'fit and proper person' test for all directors within NHS trusts, social care organisations and private healthcare companies working with the NHS, will determine whether they are suitable to fulfil their role.

The tests would identify concerns about an individual's honesty, integrity, competence and capability, and include consideration of their past career with other care providers.

In cases where a director was deemed to be unfit, the CQC could insist on their removal. They would also be unable to work elsewhere.

Mr Lamb added: 'We can't have the current situation where someone responsible for awful neglect can simply move elsewhere and set up another company.'