

Offences

Some of the regulations have offences attached, and as part of our enforcement action, CQC will be able to bring prosecutions if these regulations are breached. For regulations that we cannot prosecute against, we can consider using other actions as set out in our [enforcement policy](#).

CQC will be able to bring prosecutions for breaches of the following regulations.

- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015

CQC may prosecute breaches of the following regulations without first issuing a Warning Notice.

A breach of the following offences may be prosecuted directly:

Regulation 11	Need for consent: care and treatment may only be provided with consent.
Regulation 16(3)	Receiving and acting on complaints: a summary of complaints, responses, correspondence and other relevant information identified must be provided to CQC within 28 days of a request.
Regulation 17(3)	Good governance: a report into how the registered person is complying with the good governance requirements and their plans for improvement of services delivered must be provided to CQC within 28 days of a request.
Regulation 20 (2)(a)	Duty of candour: registered persons must as soon as reasonably practicable notify a service user (or person lawfully acting on their behalf) when an unintended or unexpected incident occurs. Notifiable safety incidents are explained further in Regulation 20(8) and 20(9).
Regulation 20(3)	Duty of candour: notifications given under Regulation 20(2)(a) must meet specific requirements.

Regulation 20A	Requirement as to display of performance assessments: providers must display on their website details of CQC's website, the most recent CQC rating and the date it was given. They must also display the most recent rating at each location where regulated activities are provided from and at the provider's principal place of business. Signs must be legible, conspicuously displayed and show the date the rating was given.
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A defence to all the above offences is available where the registered persons took all reasonable steps and acted with all due diligence. See Regulation 22(4).

To be able to prosecute for the following offences, they need a further qualification, which is that the breach results in people who use services being exposed to avoidable harm or significant risk of such harm occurring or suffering a loss of money or property as a result of theft, misuse or misappropriation	
Regulation 12	Safe care and treatment: care and treatment must be provided safely.
Regulation 13	Safeguarding service users from abuse and improper treatment: sections 13(1) to 13(4).
Regulation 14	Meeting nutritional and hydration needs: service users' nutritional and hydration needs must be met. This applies where accommodation or an overnight stay on the premises is provided or where meeting a person's nutritional or hydration needs is part of the care and treatment arrangements.

- Care Quality Commission (Registration) Regulations 2009

A breach of the following offences may be prosecuted directly:	
Regulation 12	Statement of purpose
Regulation 14	Notice of absence
Regulation 15	Notice of changes
Regulation 16	Notification of death of service user
Regulation 17	Notification of death or unauthorised absence of a person who is detained or liable to be detained under the Mental Health Act 1983
Regulation 18	Notification of other incidents
Regulation 19	Fees etc
Regulation 20	Requirements relating to termination of pregnancies
In relation to these offences, there is no requirement for anyone to have been exposed to harm or placed at risk of harm as there is in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. A breach of the regulation is an offence without this further qualification.	

For the remaining regulations included in this guidance: Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulations 9; 10; 13(5); 13(6); 13(7); 15; 16(1); 16(2); 17(1); 17(2); 18; 19; 20(1), 20(2)(b); 20(4); 20(5); 20(6); 20(7) and the Care Quality Commission (Registration) Regulations 2009, Regulations 13 and 22a, CQC can take other regulatory action. If the evidence surrounding one of these regulations also demonstrates a breach of another regulation that is identified as an offence, then CQC may also decide to prosecute against the regulation for that other offence.

We have also published this information as a [quick reference chart](#).

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