Special measures: a guide for patients

In serious cases where hospitals are not providing good and safe care to patients, and the management cannot fix the problems by themselves, action is taken to improve the hospitals. The term used for this is “special measures”. Here we explain what this means.

Special measures involve action by three organisations: the Care Quality Commission, Monitor and the NHS Trust Development Authority. All are independent but funded by the Department of Health, and as regulators they work closely together to make sure patients get the best possible care from the NHS.

- The Care Quality Commission (CQC) makes sure health and social care services in England provide people with safe, effective, compassionate, good quality care. CQC does this by monitoring, inspecting and regulated services to make sure they meet fundamental standards of quality and safety. It employs the independent Chief Inspector of Hospitals, who checks that the quality of care provided by hospitals meets the necessary standards and acts to protect patients when it does not.

- Monitor is the sector regulator for health services in England. It makes sure that NHS foundation trusts (whether they provide acute, ambulance, mental health or community care services) are well-led and run efficiently, so they can continue to deliver good quality services for patients in the future. Monitor has powers to take action at hospitals and certain other NHS organisations where standards are not met to ensure problems are fixed.

- The NHS Trust Development Authority (NHS TDA) helps hospitals and the trusts they belong to improve the care they provide and the way in which they are run. In doing so, it prepares them to become NHS foundation trusts, which enables them to manage their own budgets. They must be well led and provide high quality services in order to achieve this. They are then called NHS foundation trusts while other hospitals are called NHS trusts.
What are “special measures”?

Special measures are a number of actions that the three health sector regulators can take to turn around hospitals. They do this when a hospital isn’t providing the quality of care patients need or deserve, and where there is concern that the existing management cannot fix the problems on their own. The regulators decide which of the special measures actions to use on a case by case basis.

Why are hospitals put into special measures?

Hospitals are put into special measures when there are problems with the quality of care provided to some or all patients that the leadership of the trust cannot fix in a reasonable time without additional help. Often the decision that a hospital is providing poor care is made following an inspection by the CQC’s Chief Inspector of Hospitals.

Who puts hospitals into special measures?

The Chief Inspector of Hospitals will normally make a recommendation if he thinks a hospital needs to be placed in special measures. At that stage, Monitor decides whether NHS foundation trusts go into special measures while the NHS TDA decides for other trusts.

If I am concerned or have a complaint about a hospital in special measures, who do I talk to?

If you have concerns about treatment you have received, or that someone else has, from a hospital in England you should contact that hospital’s complaints department.

If you are not satisfied with their response, you can contact the Health Service Ombudsman at www.ombudsman.org.uk or on 0345 015 4033. This is the same whether the hospital is in special measures or not.

What actually happens to hospitals that are subject to special measures?

There are currently five types of action that can be taken under special measures:

1. A hospital that is high-performing in the relevant areas can partner with the underperforming trust (a “trust” is the organisation to which the hospital, and some other health services in the local area, belong). This partner will help the hospital to improve.

2. An action plan is written by the trust in discussion with the regulator and local commissioners. It contains details of what improvements are needed and the progress that has been made. Trusts regularly update it with details of the progress they’ve made.

3. An improvement director is appointed to monitor the trust’s progress as it works to achieve the specific steps set out in the action plan.
4. Hospitals that are part of NHS foundation trusts have freedoms that other NHS organisations don’t, such as independently appointing the chair of the board and setting their own business plans. Monitor, which regulates NHS foundation trusts, can remove some of these freedoms.

5. Monitor will, in some cases, review the management of the foundation trust. The NHS Trust Development Authority will do the same thing for trusts.

What improvements will I see as a result of special measures?

This will depend on the action plan for your local hospital. Details on what action each hospital is expected to take are available here.

Who runs the hospital while it is in special measures?

Each hospital has a board of directors. They are responsible for the management of hospital overall, and for making sure that any changes needed are carried out. However, Monitor or the NHS TDA may also choose to change one or more board members and put in place external experts if they think this is necessary to achieve the improvements patients need in a reasonable timeframe.

How will a hospital come out of special measures?

A hospital will only come out of special measures if it has made the required improvements.

A hospital is usually expected to have done this within one year. At the end of the year the Chief Inspector of Hospitals will inspect the hospital and judge whether improvements have been made to the management of the hospital and if it is delivering good enough care to exit special measures. If it is, the Chief Inspector of Hospitals will recommend to the regulator (either Monitor for NHS foundation trusts, or the NHS TDA for other trusts) that the hospital comes out of special measures. At that stage, Monitor decides whether NHS foundation trusts exits special measures while the NHS TDA decides for other trusts.

How will I know when a hospital has been taken out of special measures?

Monitor or the NHS Trust Development Authority will inform patients on the NHS Choices website when hospitals are no longer under special measures.

Are hospitals in special measures going to close?

The special measures process is not about closing hospitals, it is about improving them so that they offer a high standard of care.

If a hospital is in special measures, is it safe to use?

You are still able to use your local hospital even if it is in special measures. The problem with hospitals in special measures is that they aren’t delivering the quality of
care consistently in all areas. The CQC will continue to monitor the quality of care provided.

**Can I still attend my hospital appointments?**

Yes, you should attend appointments. A hospital in special measures will continue to operate normally while it is supported to make the necessary improvements.