



Department of Health

Philip Dunne MP
Minister of State for Health

Our reference: PFD-1085354

Richmond House
79 Whitehall
London
SW1A 2NS

Your reference: 115279 – DAVID SHEPPARD (LH/AS)

Tel: 020 7210 4850

Mrs Louise Hunt
HM Senior Coroner
Birmingham & Solihull Areas
Coroner's Court
50 Newton Street
Birmingham
B4 6NE

Dear Louise,

4th July 2017

Thank you for your letter of 9 May 2017 to the Secretary of State about the death of Mr David Sheppard. I am responding as the Minister with responsibility for workforce and quality regulation at the Department of Health.

I was very saddened to read of the circumstances surrounding Mr Sheppard's death. Please pass my condolences to his family and loved ones.

I have noted very carefully the conclusion of the inquest and the areas of concern you have detailed. Clearly, the failure to take adequate action in response to Mr Sheppard's fatal situation was unacceptable. I can appreciate how distressing these circumstances must be for Mr Sheppard's family.

All registered providers of health and social care in England are required to provide safe, effective, compassionate and high quality care and to meet the fundamental standards of quality and safety as set out in Regulations (Health and Social Care Act 2008 (Regulated activities) Regulations 2014)

www.legislation.gov.uk/ukxi/2014/2936/contents/made.

It is the responsibility of Boldmere Court Care Home as the registered provider to ensure there are sufficient numbers of suitably qualified, competent, skilled and experienced persons deployed and appropriately trained as necessary to enable them to carry out their duties.

It is the responsibility of the Care Quality Commission (CQC), as the independent regulator of health and adult social care in England, to monitor, inspect and regulate services to make sure they meet the fundamental standards of quality and safety.

You have therefore taken the correct action in addressing your Report to the CQC and Boldmere Court Care Home who will respond on the specific matters of concern you have raised.

I understand the provider has taken a number of measures to address concerns including, but not limited to, the provision of training with first aid, CPR and choking prioritised in the induction process, as well as documentation training sessions and the introduction of an incident reporting questionnaire.

I am aware that the CQC conducted an inspection of Boldmere Court Care Home in January 2017, resulting in a rating of 'Good' overall with no breaches of regulation identified. At this inspection the CQC reviewed the provider's progress on the actions it had taken in light of this incident.

I am assured that as part of its inspection programme, CQC will continue to monitor that service user's needs are being met through verbal and non-verbal communication skills at Boldmere Court. The CQC will also monitor that the provider continues to meet the required standards around ensuring staff receive appropriate support, training, professional development, supervision and appraisal as necessary to enable them to carry out the duties they are employed to perform (Regulation 18); and that systems and processes are in place to ensure compliance with the requirements around maintaining accurate, complete and contemporaneous records for people receiving care (Regulation 17).

You mention in your Report that two nurses were involved in the incident. As you may be aware, nurses must register with the Nursing and Midwifery Council (NMC), and meet professional standards to work in the UK, and be fit for practise. This includes sufficient knowledge of the English language to be able to perform their roles.

For registered nurses, we expect the NMC's registration processes and associated checks to be appropriate, robust, fit for purpose, effective and to verify that the applicant is who they claim to be and that they are appropriately qualified, competent and fit to practise and have the ability to speak English to the required standard.

The NMC has three different registration processes – UK, Europe and the rest of the world. The NMC requires all overseas applicants, defined as those who trained outside the European Economic Area (EEA), to complete the academic version of the International English Language Testing System (IELTS) achieving level 7.0 across all four aspects of listening, reading, writing and speaking.



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The NMC also requires those European trained applicants who are unable to provide sufficient evidence of English language skills – such as having trained or worked in an English-speaking country – to complete an English Language Assessment to the required standard.

Where there is concern that a nurse may not meet the professional standards required in the UK, the NMC has a duty to investigate and, where necessary, take action to safeguard the health and well-being of the public. Fitness to Practise allegations can relate to concerns over a nurse's ability to communicate effectively in English, in addition to matters such as clinical competence. I note your report has been shared with the NMC. I should clarify that the Department does not get involved with or comment on individual fitness to practise cases.

There is no requirement for language testing non-regulated workers, such as care staff. However, social care employers are responsible for ensuring that their staff are trained and competent for the tasks they are recruited to do. This includes the ability to communicate effectively.

Communication is covered within the Care Certificate. However, there is no explicit reference to being proficient in the English language. The Care Certificate is an identified set of standards that health and social care workers adhere to in their daily working life. Designed with the non-regulated workforce in mind, the Care Certificate provides confidence that these workers have the same introductory skills, knowledge and behaviours to provide compassionate, safe and high quality care and support.

Further information on the Care Certificate can be obtained from the Health Education England website <https://hee.nhs.uk/carecertificate>. I should point out that the Care Certificate also covers awareness of mental health, dementia and learning disabilities so that staff supporting people with challenging behaviours have a basic awareness of their needs. At Boldmere Court Care Home, I am advised that this is supplemented with mandatory training and hands-on training with staff and patients.

I hope this reply is helpful in setting out the national requirements and regulations around these areas of concern. Thank you for bringing the circumstances of Mr Sheppard's death to our attention.

PHILIP DUNNE

