

# Ineffective regulation on discharge from hospital in England leaves patients at risk

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Regulators have failed to properly address patient safety on discharge from hospital in England, leaving the physical wellbeing and dignity of patients continuously at risk at a time when they should be returning

safely home, finds new research.

The research, "Leaving [hospital](#): A step too far for risk-based regulation?" investigates the reasons for the lack of effective regulations from a legal standpoint. It was published in the journal, *Medical Law Review* and was funded by the National Institute for Health Research Greater Manchester Patient Safety Translational Research Centre (GM PSTRC) which is a partnership between The University of Manchester and Salford Royal hospital.

Victoria Moore, who led the research, is from the centre's Safer Care Systems and Transitions theme, and said: "Being discharged from hospital can be a dangerous time for patients, but this is an area that regulators haven't recognized as a group and as such haven't paid much attention to. This leaves patients vulnerable. My research investigates why this is the case. The answer lies in the regulatory approach that dominates regulation within the NHS."

Risk-based regulation is the regulatory approach underpinning health and social care regulations in England. To be successful, this approach requires the risk to [patient safety](#) to be appropriately identified, fully understood and prioritized by all regulators involved.

Victoria continued: "Within healthcare regulation in England there are a number of regulators, so it is virtually impossible for all of them to have a unified understanding of the risk posed by discharge. This has resulted in a lack of action by any one regulator."

The research identifies that in hospital discharge, there are three main weaknesses in risk-based regulation and these have been created by the sheer number of regulators involved.

The first is when identifying risk, as regulators don't possess a complete

overview of all relevant [information](#). This is because of the [limited information](#)-sharing mechanisms between the regulators. Therefore, judgements have to be made about what information to share and with which regulator. This is problematic given that successful risk-based regulation is heavily dependent upon the availability of sufficient information to identify risks and inform decision-making.

The number of statutory regulators and the limited nature of information-sharing leads to a second important weakness; it's virtually impossible for all regulators to have a unified understanding of the risks posed by discharge from hospital. Risks will be understood based on the nature of information available, which will vary due to the number of regulators involved.

Finally, the research explains that successful risk-based regulation relies on being able to correctly prioritize risk. This can only happen if regulators have gathered enough information and all understand and agree the regulatory aims.

Victoria concludes, "The combination of the three weaknesses I've identified in my research means the risk posed to the safety of patients on discharge from hospital is neither uniformly recognized by the statutory regulators within the English NHS, nor sufficiently addressed. Professional regulators in particular appear to have a poor awareness of the risk and their role in addressing it. Until regulators can accurately identify this risk, build a unified understanding of its causes and consequences, and prioritize it appropriately, this unacceptable status quo will remain."

The Director of the Greater Manchester PSTRC, Prof Stephen Campbell states that "we know discharge from hospital can be a key patient safety issue and [regulation](#) needs reliable and attributable information. This research helps identify key areas for improvement especially the need

for a unified understanding of the risk posed by [discharge](#) and information-sharing."

**More information:** Victoria L Moore, Leaving Hospital: A Step Too Far for Risk-Based Regulation?, *Medical Law Review* (2020). [DOI: 10.1093/medlaw/fwaa015](#)

Provided by NIHR Greater Manchester Patient Safety Translational Research Centre

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