

A new system of registration

How to apply: Adult social care and independent healthcare providers



About the Care Quality Commission

The Care Quality Commission is the independent regulator of health and adult social care services in England. We also protect the interests of people whose rights are restricted under the Mental Health Act.

Whether services are provided by the NHS, local authorities, private companies or voluntary organisations, we make sure that people get better care. We do this by:

- Driving improvement across health and adult social care.
- Putting people first and championing their rights.
- Acting swiftly to remedy bad practice.
- Gathering and using knowledge and expertise, and working with others.

Note: This guide focuses on those providers of adult social care and independent healthcare who are currently registered under the Care Standards Act 2000.

We will produce additional guidance for providers who are coming into the scope of registration for the first time under the Health and Social Care Act 2008, such as medical laboratories and standalone imaging centres.

The process at a glance

1



Preparing to apply

In December, we published our *Essential standards of quality and safety*, which makes clear to providers the outcomes we expect people to experience if they are compliant with new essential standards of quality and safety, and our *Judgement framework*. You can find these documents on our website.

We will be publishing an online e-learning module and all the forms and guidance that you need for applying to be registered under the new system.

We will notify you of your application log-in and password and ask you to decide who will complete the application form.

2



Applying for registration

All existing providers of adult social care and independent healthcare who are currently registered under the Care Standards Act 2000 and who will provide one or more regulated activities after 1 October 2010 will need to complete an application.

2



Applying for registration (cont.)

We will be asking providers to make their registration applications within a four-week application ‘window’. This means that providers will be given a four-week period in which to submit their application.

We will contact you to notify you of your application window.

3



Assessing applications

We will assess your application when we receive it. We may need to talk to you about it and/or ask you to supply more supporting information. We may also ask people who use services for their views.

4



Our decision

We will make a decision about your registration, including the conditions that will be attached to it. Conditions of registration will appear on your certificate of registration.

5



Completing your registration

From **1 October 2010**, adult social care and independent healthcare providers must be registered with us. We will issue electronic certificates of registration to all registered providers and will publish a register of their names and details of their registration on our website.

6



Keeping your registration up to date

If you want to provide a regulated activity at a new location, or offer a new regulated activity, you will need to apply to vary your registration.

We will constantly monitor whether providers are meeting essential standards of quality and safety through a more responsive and dynamic system of regulation. More information about this will be available over the coming months.

Introduction

The Health and Social Care Act 2008 introduced a new, single registration system that applies to both healthcare and adult social care.

Subject to legislation, from 1 October 2010, adult social care and independent healthcare providers that carry on regulated activities must be registered with us.

New essential standards of quality and safety will replace the regulations under the Care Standards Act 2000 and associated National Minimum Standards, which will cease to exist on 30 September 2010. To be registered with us, you must show that you are meeting these new essential standards in all of the regulated activities that you provide.

The new regulations are set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009.

This guide gives you an overview of the application process.

It focuses on those providers of adult social care and independent healthcare who are currently registered under the Care Standards Act 2000. We will produce additional guidance for providers who are coming into the scope of registration for the first time under the Health and Social Care Act 2008, such as medical laboratories and standalone imaging centres.

For a general introduction to the new registration system, please read our booklet *Guide for providers of healthcare or adult social care*, available on our website. For detailed guidance on who has to be registered and which activities are regulated, please read our *Scope of registration*, also available on our website.

1

Preparing to apply

Although you are currently registered under the Care Standards Act 2000, there is no automatic transfer of your registration to the new system. You will need to complete an application form to ensure you are legally registered after 1 October 2010.

Over the coming weeks, we will publish an online e-learning module and all the forms and guidance that you will need to apply.

We have published:

- Our updated *Essential standards of quality and safety* (based on the draft regulations which are currently before Parliament) that makes clear to providers the outcomes we expect people to experience if they are compliant with the new essential standards of quality and safety.
- Our *Judgement framework*, which sets out how we will judge compliance with the essential standards.

Accessing your application

Applications for registration should be made online and we will notify you of your log-in and password details. You will need to decide who will complete the application for your organisation.

We will be asking providers to make their registration applications within a four-week application ‘window’ – this means providers will be given a four-week period in which to submit their application. The application process will be open from April to September 2010.

If you are unable to access the online registration system, you will need to tell us so that we can make other arrangements. However, we strongly recommend that you apply online.

Registering as a single provider instead of multiple services

Each provider will be required to make one registration application only, covering all of their regulated activities that are carried on at each of their ‘locations’. See page 13 for information on locations.

Instead of being separately registered for each of your services, you will be required to be registered for each of the regulated activities you provide. This is most important to adult social care and independent healthcare providers who have a portfolio of care homes or hospitals. Such providers will make one application for all the regulated activities they provide across all of their locations. Separate applications by locations (unless you only have one location) cannot be made.

Preparing for registration

Before making your application, you should:

- Familiarise yourself with the regulations and with our guidance about compliance: the *Essential standards of quality and safety* and the *Judgement framework*. You can download the guidance from our website. (You can also view the draft regulations at www.opsi.gov.uk/si/dsis2010.)
- Prepare the evidence that shows that you meet the essential standards of quality and safety.
- Check your internal reporting and audit systems.

Please note that, until legislation is approved by Parliament, our guidance and the Department of Health's regulations remain in draft form.

Continued registration under the Care Standards Act 2000 until September 2010

Your organisation must continue to meet the regulations and National Minimum Standards under the Care Standards Act 2000 until 30 September 2010. Inspections will carry on until this date, following existing guidelines.

2

Applying for registration

Submission dates

The application process will be open from April to September 2010. However, we will give you a specific application 'window' in which to submit your application.

Each application window will run for four weeks – this means you will have a four-week period in which to submit your application.

If your application is received after the last day of the window, we will continue to process it, but we cannot guarantee that a decision about registration will have been reached by 1 October 2010. Where a decision has not been reached by 1 October, then the offence of carrying on a regulated activity while unregistered **will apply** from 1 October 2010, for such time as a provider remains unregistered.

Please note that we expect to receive a significant volume of applications, and we will only assess applications received after the end of the window when we have completed all the applications that were submitted on time.

Nominated individual

You must nominate an individual to act as our main point of contact. This person must be a director or senior manager employed by your organisation. A nominated individual has responsibility for supervising the way the regulated activity is managed and must be in a suitably senior role. There can be one nominated individual for **each, several** or **all** of the regulated activities.

You must have obtained an enhanced Criminal Records Bureau (CRB) disclosure for your nominated individual, where one is required under the Police Act 1997, and be able to confirm that you have done this in your application. (You do not need to include the disclosure document in your application.)

If you are an existing provider already registered with us under the Care Standards Act 2000 and already have an enhanced CRB disclosure for your nominated individual(s), you do not need to apply for a new one and your existing disclosure does not need to be signed by us.

You will only need a new enhanced CRB disclosure if your nominated individuals are not currently registered with us.

The enhanced level of checking for nominated individuals takes into account the new vetting and barring scheme, which states that this level is needed where a person is supervising someone carrying out a regulated activity, or where it is a regulated activity related to vulnerable adults. Please see the CRB website for more information (www.crb.homeoffice.gov.uk).

During the application process, and when you are registered, you must have available the information about your nominated individual that is set out in Schedule 3 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010. This includes items such as proof of identity, qualifications and evidence of conduct. Although we will not routinely ask to see this documentation, you must have it available in case we need to do so.

If you are an **individual** or a **partnership**, you do not need to appoint a nominated individual. However, the information that we need from you as individuals or partners is the same as that for a nominated individual. The requirements for a CRB check apply to each individual or partner involved.

The application form

The application form includes sections asking for your details as a provider, the services and regulated activities you provide and the locations in which they are provided. You will also be required to declare that you comply with the regulations for each regulated activity in each of your locations, make a statement on data protection, and declare that you hold the specific information for your nominated individual.

The form also contains sections on how your service makes sure that it listens to and acts on the views and experiences of people who use services and actively promotes equality, diversity and human rights.

Which activities should be registered?

You will have to apply to register each of the ‘regulated activities’ that your service provides, rather than each of your individual services. So, for example, instead of applying to register each of your locations (for example, an individual care home or hospital), you will have to apply to register the regulated activities you provide, such as ‘accommodation for persons who require nursing or personal care’ and then specify the locations at which you carry out those activities.

For detailed information on the list of regulated activities, please read our *Scope of registration* document available on our website.

You must apply to register all of your regulated activities in one application. There is no hierarchy of regulated activities and you must register for every activity that you provide, even where that activity is a minor part of your service.

There are a small number of exceptions where the definition of one activity specifically refers to another. For example, ‘treatment of disease, disorder or injury’ also includes nursing, personal and palliative care, so a provider registered for ‘treatment’ does not need to register for ‘nursing care’ as well. ‘Nursing care’ is defined so that it only includes nursing care that is **not** part of another regulated activity and we anticipate that this activity will only apply to a small number of providers.

Where the term ‘accommodation’ is used, it means a place where people are currently living, such as their own home, a care home or a respite facility. It does not mean admission to hospital.

Activities that will no longer need to be registered

The following services, which used to require registration under the Care Standards Act 2000, are **not** required to register under the new system:

- Nurses' agencies that act as employment agencies, supplying staff to providers that carry on regulated activities, and that do not provide any regulated activities themselves.
- Shared Lives schemes that do not arrange placements for people with personal care needs.

We will issue guidance on the use of non-surgical lasers and intense pulsed lights (used mainly in beauty salons, dental clinics and some dermatology services), as some of these services will not be required to be registered from 1 October 2010. However, services that use surgical lasers and intense pulsed lights (for example, those used in refractive eye surgery) will need to register.

Locations

A location is the place where regulated activities are provided. For example, it could mean each hospital run by the same independent healthcare provider, or each care home run by the same provider, or a single hospital or care home run by an individual or partnership.

Where a provider has a community-based service (such as a domiciliary care agency), the location will usually be the 'main address' from which the regulated activity is carried on.

The term location is important because, in the single application, a provider will need to declare compliance against each regulated activity at each location. Monitoring this declaration is an important part of how we make judgements about continuing compliance with the essential standards of quality and safety.

You can find more information on locations on our website.

Declaring against the regulations

In your application, you will be asked to declare that you comply with all the essential standards of quality and safety for each regulated activity you provide at each location.

We will monitor compliance against this declaration as part of our decision about your registration status. To help you make your decisions about compliance, you will need to take account of our guidance in our publication *Essential standards of quality and safety*.

Please note that to navigate your way around the guidance, it will be helpful if you decide which ‘service types’ your activities fall under. These are different from the regulated activities. Full details of the service types are included in the *Essential standards of quality and safety*.

The regulation that deals with the prevention and control of healthcare-associated infections is one of the regulations that form the essential standards of quality and safety. The Department of Health issues the guidance about compliance with this particular regulation and details are available from the Department of Health website. You will need to use

this to help you make your decisions about compliance with the regulation.

How the new essential standards compare with the existing standards under the Care Standards Act 2000

There are some similarities between the essential standards of quality and safety and the National Minimum Standards. However, there are also significant differences and direct links are not always easy to make. The essential standards focus primarily on the outcomes we expect people to experience rather than primarily on policies, systems and processes. Some National Minimum Standards can be linked to more than one outcome, whereas some outcomes do not directly compare back to the National Minimum Standards.

We strongly advise that you carefully assess your services against the new regulations and guidance and take steps to:

- Understand the new registration framework and process.
- Use the *Essential standards of quality and safety* and the *Judgement framework* and any further advice to understand what you need to do to comply with each regulation.
- Understand where the new requirements differ from the current National Minimum Standards criteria, and where there are completely new requirements.
- Consider how the views, outcomes and experiences of people who use services will inform your declaration.

- Understand where you already have evidence that will be useful for your declaration for registration, and what additional evidence you need to gather for it.

Statement of purpose

After you have applied for registration, you will need to send us a 'statement of purpose' to let us know the aims and objectives of your service, the kinds of services you provide and the locations at which you provide them.

This information can be found in Regulation 12 and Schedule 3 of the Care Quality Commission (Registration) Regulations 2009 (these can be found in our *Essential standards of quality and safety*). You must keep this information up to date and inform us when information contained within it changes. We will advise you in due course on how to send us your statement of purpose.

Registration fee

Providers who are currently registered with us will not have to pay a fee for registering under the new system. However, an annual fee will apply from 1 October 2010.

We will be consulting in Spring 2010 on our proposed fee structure for all adult social care and independent healthcare providers for the period from October 2010 to March 2011. The consultation will give providers and stakeholders the opportunity to submit formal responses to our proposals. We will introduce an ongoing, long-term approach to fees for all providers of health and adult social care from April 2011.

This long-term approach to fees will also be applied to any providers entering the registration for the first time from this date onwards. We will consult on this approach in late 2010.

Registered managers

Managers who are currently registered under the Care Standards Act will not need to make their own separate application to become a registered manager under the Health and Social Care Act. Their application will be part of the provider application. The provider will need to give the name of the registered manager for each location in the application. Once this application is completed, a form will automatically be created listing all the registered managers that were in the provider's application.

Providers will need to make sure that every registered manager signs this form and that it is returned to us. This form will act as the manager's application and will allow us to transfer the manager's registration from the Care Standards Act to the Health and Social Care Act.

If they do not do this, they will not be registered under the Health and Social Care Act and as a result will need to make a full application in their own right. We will issue additional guidance about this over the coming weeks.

3

Assessing applications

Once submitted, your application will be screened by our National Processing Centre and assessed by our regional teams. We will assess your application alongside the information we already hold about you and your service.

We will inform you if we need any additional information to support your application. We may wish to speak to you or visit any of your services, or we may ask for information from third party organisations.

We are inviting the views and experiences of groups that represent people who use services, to help inform our decisions about whether a provider should be registered with us. These groups include local involvement networks (LINKs), overview and scrutiny committees (OSCs), learning disability partnership boards and local safeguarding children boards.

What does the current 'star' rating mean in the new registration system?

Adult social care services have a quality rating that is given to them following a key inspection under the Care Standards Act 2000. We are in the process of consulting on the future of the quality rating system and you can find further details about this on our website. We anticipate that services rated good and excellent should be fully compliant with the new essential standards. However, because there are new requirements this cannot be guaranteed.

4

Our decision

Our registration team will use our guidance about compliance (*Essential standards of quality and safety* and *Judgement framework*) and the *Setting the bar* document (our guidance for determining our regulatory action) to help make their decision.

We will either:

- Register you with ‘conditions’, or
- Refuse all or part of your registration.

Please see page 20 for information on conditions.

If we approve an application, we will issue a Notice of Decision. If you do not agree with our decision (including any conditions we impose), you can make representations to us within 28 calendar days.

If we propose to refuse an application, we will send you a Notice of Proposal. You will also have 28 calendar days to make written representations if you disagree with the proposed decision. We will send a final notice of decision either after the representations have been considered or after the 28-day period has expired.

Conditions on registration

It is important to note that **all** providers will be registered with conditions, as there are two types of condition:

- **Restrictive conditions** are routine and define the regulated activities that your service is registered to carry out. For example, they may specify that you can only carry out a regulated activity at a particular location, or that you cannot provide a service to children of a certain age.
- **Compliance conditions** may be applied where we have concerns about non-compliance. These require you to make improvements to your service in order to meet the essential standards of quality and safety. We will only use conditions in this way for existing providers applying to the new registration system under transitional arrangements.

We will always be proportionate in how we apply conditions of registration.

Conditions of registration will appear on the Notice of Decision and on the certificate of registration.

Providers that do not comply with the new essential standards of quality and safety

We want providers to make accurate declarations. If your service does not comply with the essential standards of quality and safety, you will need to submit an action plan of what you are going to do, and by when, to address the situation. We will consider the action plan alongside any other information we hold to make a decision about whether to register your service, with or without compliance conditions.

We appreciate that this is a period of transition and that it is a new registration system against a different set of standards, and we will try to encourage and support compliance.

Where we have concerns about compliance and a provider has declared they are fully compliant, we will respond accordingly and take action that is proportionate to the level of concern we have identified. This may mean taking formal enforcement action.

5

Completing your registration

When you become registered, we will issue you with an electronic certificate of registration.

The certificate will outline details of the provider, the regulated activities you are registered to provide and the locations from which these are provided. If you are registered with conditions, they will be described on the certificate.

We will publish the register of providers on our website and keep it up to date. The register will describe each provider, the date of registration and any conditions applied.

6

Keeping your registration up to date

If you want to provide a regulated activity at a new location – for example, carry on the same activity but move to a new building – then you must apply to us for a variation of your existing registration.

If you want to offer a new regulated activity, then you must apply to us for a new registration in respect of that activity.

If your service changes, for example, because of a merger or acquisition, it is likely that the new service will need to re-register.

Further information on keeping your registration up to date will soon be available on our website.

© Care Quality Commission 2010.

Published March 2010.

This document may be reproduced in whole or in part in any format or medium for non-commercial purposes, provided that it is reproduced accurately and not used in a derogatory manner or in a misleading context. The source should be acknowledged, by showing the document title and © Care Quality Commission 2010.

ISBN: 978-1-84562-266-4

Need help?

If you have any questions about applying for registration or you need more information, you can:

- Look at our website:
www.cqc.org.uk/registration
- Speak to your **local assessment team**
- Call our National Contact Centre on **03000 616161**
- Email us at **enquiries@cqc.org.uk**
- Write to us at:
**Care Quality Commission
National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA**

Please contact us if you would like a summary of this publication in other formats or languages.

Registered office:
Care Quality Commission
Finsbury Tower
103–105 Bunhill Row
London EC1Y 8TG

CQC-095-20000-TRI-032010



Corporate member of
Plain English Campaign
Committed to clearer communication.

459