

Registration under the Health and Social Care Act 2008

Guide to the application process

Guidance for new registered managers

July 2011

Introduction

This guidance explains the process for new registered manager applications under the Health and Social Care Act 2008. A manager will be registered separately in respect of each activity they are to manage.

It gives an overview of:

- Which services need a manager
- What you need to do to make an application.
- What we will do with the information you give us.

Usually there will be one registered manager for the regulated activity provided at each location. However, where a number of RAs are being provided, each may have a different registered manager. There may also be other circumstances where there is more than one registered manager at a location. Therefore, this guidance also tells you how we will:

- Register someone who applies to manage more than one location for the same provider.
- Register someone who applies to manage locations for more than one provider.
- Register two or more managers who intend to manage as part of a job share.

The guidance covers:

- Adult social care and independent health care providers.
- Dental and independent ambulance providers
- NHS bodies where a manager is made a condition of registration

Main points

1. People who use services are safeguarded by a rigorous but proportionate registration process for all managers.
2. It is your responsibility to demonstrate to us that you comply with the relevant regulations and to demonstrate your fitness to be registered as a registered manager.
3. You as a registered manager are responsible for your own registration, including applying to register and to change the details of your registration.
4. When you leave a location you must submit an application to either vary or cancel your registration. This is your responsibility, not the provider's. You remain legally liable for the regulated activity until the registration is changed or ended.

Guidance

1

When does there need to be a registered manager in place?

The Health and Social Care Act 2008 states that all providers must have a registered manager. The exceptions to this are:

- Where the service provider is an individual who is in day-to-day management of the service and who is fit to carry on the service.
- NHS trusts.

In addition, we have made a decision that, as the manager is such an important role in the successful running of a service, where an NHS trust provides services such as care homes and domiciliary agencies, we will expect them to appoint a registered manager.

Each regulated activity is required to be supervised by a registered manager, and the Act specifies that the registered manager must be assessed for their fitness to do so.

Registered managers are able to be registered for more than one regulated activity and may be responsible for more than one location if they can provide evidence that they are able to do this effectively.

2

Who can change the registration of a registered manager?

A registered manager's registration can be amended in two ways:

- The manager applies to vary or cancel their registration.
- CQC impose a variation or cancel the manager's registration.

Providers can not cancel the registration of a registered manager. Where a manager has left, and is not contactable, or refuses to cancel their registration the provider should contact our helpline.

Pre-application stage

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What do you need to do before sending in the application form?

It is important that you obtain a CRB disclosure before you submit your application, as the disclosure number and date of issue are required as part

of the application. The CRB disclosure must be countersigned by us. We only need the CRB disclosure number, not a copy of the document

Please make sure that the name applied for in the CRB disclosure matches the name in the application details exactly. This includes all former names and middle names. Countersigned CRB disclosures for registered managers and providers can be up to six months old. There is separate guidance on our website on how to apply for a CRB check.

You must give us the contact details of your doctor and a professional referee (which should be your last employer).

Where there is no previous employer, or if your previous employer is unable to supply a reference, you should supply details of a professional referee who has employed or worked with you for at least three months, and is able to provide a reference about your competence to manage the service.

Where you are already registered, and are now requesting a variation to manage a further location, you will not need to supply details of referees again.

The variation application form asks you to list your evidence about how you will manage across the different locations.

Application stage

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Which form do I need to fill in?

To register as a new manager, you will need to complete an application form: 'Application for registration as a manager'.

If you are applying to manage more than one location, you will have to complete additional location forms as well.

These forms are available on our website.

We encourage all applications to be completed electronically.

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What happens if my application is incomplete?

We cannot process incomplete applications. These will be rejected and returned. We strongly advise you to take care to complete your application fully and accurately, as gaps will delay your application or mean that we have to request further evidence or carry out a visit. This will cause further delay.

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Am I allowed to resubmit my application?

When you submit your application, we will check that it is complete.

If it is not complete, we will return it to you.

If we don't accept the application you will have to complete a new application or resubmit the existing application with the missing information.

Once we have accepted an application, we will begin to process it.

If we need further information, we will contact you.

If you subsequently need to amend your application, you will have to confirm this in writing. We will let you know if your amendment can be accepted. This will cause a delay in the application process and may mean that we are not able to process your application within eight weeks.

If you make changes to your application we may ask for further information.

If the changes to the application are substantial, you will have to make a new application.

To avoid your application being rejected, we strongly recommend that you ensure that it is full and complete on first submission.

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Are there other documents that need to be sent in with the application form?

The application form will include all the information that needs to be submitted. If you are applying to be registered for more than one location, you will need to submit an additional section for each location.

The other documents listed on the application must be available to view when you are interviewed. We can make a decision about whether we need to see them in addition to what has been submitted in the application form. These include:

- Job description
- Full CV
- Certificates and qualifications evidence.

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How much information will I need to include in my application where I am applying for more than one location?

You need to ensure that you supply information that clearly sets out the arrangements for day-to-day management of the location(s) and how this will be achieved.

The declaration made by you will be in respect of all the locations you are applying to be registered for and you need to be aware of your accountability and legal responsibility when signing the form.

Where there is any doubt, we may ask for further information. A false or misleading declaration is an offence under Section 37 of the Health and Social Care Act 2008. Such a declaration could render you liable to prosecution and could lead to the refusal of your application.

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What about fees?

There are no fees payable for any registered manager applications.

Multiple locations and job-shares

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If I wish to manage more than one location for the same provider, do I need to fill in a separate application for each one?

There is one main registered manager application form, which has space for one location only. You will also have to complete additional location forms in respect of the extra locations.

As part of your application, you will need to declare the arrangements that will be in place to show how you will carry on the day-to-day management of a regulated activity at more than one location.

We may ask to see the evidence that supports your application.

If we are not satisfied with the arrangements in place we may register you with conditions about the number of locations you can manage and pursue the issue with the provider.

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Can I apply to be registered for more than one regulated activity?

Yes, the application forms are available on our website

If you are already registered but you are applying to add a new RA, we need to be assured you have the skills to manage that additional RA.

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If I am in a job share post, do both managers have to apply?

Yes, because both managers are equally accountable for managing the regulated activity. Where more than one person manages a regulated activity, through a job-share arrangement they both need to register to manage that regulated activity at the location where they are both responsible for the regulated activity's management.

You will both have to complete an application form and provide all the necessary documentation.

If one manager is currently registered with CQC, the new applicant must provide the existing manager's CQC registration ID, which can be found at the top right-hand side of the manager's certificate of registration.

All new applicants will be interviewed and their fitness assessed. If one manager is currently registered with CQC, it is unlikely that we will re-interview and reassess their fitness unless concerns are identified around the job share.

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If a manager is applying to manage regulated activities at different locations for more than one provider, do they have to apply separately?

Yes. It is important we understand which regulated activities you will manage at each location and which people who use the service you will be involved with.

If you apply to be registered with more than one provider, a separate application will be required for each provider.

The registration of the manager will be linked to the registration of each provider.

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Will CQC look at these applications differently?

Yes, we have a duty to look at the locations in question to determine whether it is realistic for one person to be in full-time day-to-day charge of both or all locations. Also whether it is possible for them to do so for more than one or more provider.

Areas that we will consider are:

- Geographical distance between locations.
- Complexity of the needs of the people who use the service.
- Supporting management arrangements.
- Time spent at each location.
- Experience, qualifications and abilities of the applicant.
- Details of resources, such as senior staff at each location.
- Details of deputising arrangements.
- Provider support mechanisms.
- Any history of poor performance at an establishment, if currently registered.
- Your understanding of your legal obligation to comply with the regulations and accountability in the role.

When looking at the criteria above, we may decide that it is not acceptable to have one registered manager for more than one location, or at one or more locations for more than one provider.

Assessment stage

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What happens once CQC has accepted my application as complete?

The application form is reviewed by our registration teams, in liaison with local inspectors and registration assessors.

Where the application is identified as a job share, we will check that either:

- An additional application has been received, or
- A registered manager is already in post (identified on the application form by a CQC registration ID).

We will assess your application and declaration of compliance alongside any other information we have about you.

If we need any additional information, we will inform you.

We are most likely to telephone you to clarify any issues, or request additional documentation in some circumstances.

In most cases we expect to get the information we need to make a judgement in the application form, and at interview.

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Am I expected to notify CQC of any changes during the application process?

Yes, you must inform CQC of any information that is relevant to the application, and we will update this information accordingly.

This may delay your application.

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Will CQC undertake a visit or any interviews as part of this process?

Where a manager is not currently registered we will arrange a meeting or interview to assess your fitness and to look at the documents listed in the checklist on the application form. Interviews may be face to face or conducted over the telephone.

This may be on-site or at a regional office.

We understand that interviews sometimes do not bring the best out of people, so we will make every effort to allow you as the interviewee to be at ease and demonstrate your abilities and experience.

Where a manager is already registered, we will make a judgement about whether we need to interview you again. We may choose to do a focused interview relating specifically to the change being applied for. For example adding a new regulated activity.

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What is the purpose of the fit person interview?

It is to assess the applicant's fitness to be registered, not their suitability for the particular job. These are not job interviews – we use them to assess fitness against the criteria in the regulations.

We use it to verify the information we have and to gather new information, to help us make a judgement about the fitness of the applicant.

It is not a test that the applicant passes or fails. Matters can be re-visited and assessed outside of the interview.

It is the provider's responsibility to appoint managers. The provider has a right to appoint any person they wish, but they must be able to show us that anyone they put forward as a manager meets the fitness criteria.

We must always ask questions about how the applicant intends to promote equality and diversity within their service. By doing this, we should be able to make judgments about how the applicant values people's rights as individuals and what measures they intend to put in place to ensure that people can live the life they choose.

Outcome stage: how we make our judgements

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When will my registration be complete?

We will make a decision on your fitness once our assessment is completed and a recommendation has been made to the regional registration manager.

We will notify you of the outcome in writing by issuing a written Notice of proposal and/or Notice of decision.

We aim to complete the process in eight weeks from validation of a completed application to the date that the Notice of Decision is served. However applications can take longer, if, for example, we have identified concerns that require further investigation, or if there is a change to the application that is beyond CQC's control.

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When will you attach conditions to my registration and how will you use them?

A condition of registration on a registered manager may be used to restrict your activity to one or more locations, and may impose additional

restrictions on your activity at any or each of those locations.

You will always have the following condition on your registration:

“the registered person may only manage the regulated activity of <regulated activity> at the following location(s),

In exceptional circumstances, we may attach a condition to a specific registered manager that addresses your personal performance, for example “Mr X must achieve a particular qualification by a certain time”. These will be used rarely.

When we register you, we must be aware of certain factors:

Where you are not applying for all regulated activities that are being carried on at the location. If this is the case, another manager will need to be registered for any other regulated activity(ies) carried on at that same location.

Whether the provider is still required to have a further manager for that regulated activity.

Representations and appeals

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If I do not agree with the decision CQC make, can I appeal against it?

Yes. In the first instance, you will be able to make representations against a Notice of proposal to refuse registration, or a Notice of proposal to register with conditions if you disagree with it. .

If you are not satisfied with the outcome of the representation hearing, you can then appeal against any resulting Notice of Decision to the independent tribunal, called the First-tier Tribunal. The tribunal’s address is:

First-tier Tribunal – Care Standards Appeals
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

What happens next?

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Will I get a certificate?

Yes, we will issue a certificate to each manager in an electronic format, sent by email.

The certificate specifies the regulated activities that you can manage at the location(s) specified on the application form, where these have been approved.

Each manager has a unique number assigned to your registration.

The certificate also details any conditions applied to your registration, including any that apply to a particular location or locations you are to manage.

Application flow chart

Stage 1: pre-application

- You must apply for a criminal record disclosure (CRB) via the Post Office
- You fill in the application and declaration, including contact details for your previous employer and your doctor.
- You send in the application.



Stage 2: assessment of application

- CQC processes application
- Application returned if incomplete
- All applications channelled through registration teams
- Registration teams link with local assessors/inspectors and provider relationship managers where necessary
- We screen and cross-check applications and ask for further documentation if required
- We arrange a meeting/interview.



Stage 3: outcome

- We let you know whether you are registered with or without conditions, or if your application has been refused.
- If we propose to refuse your application, or to register you subject to conditions that have not been agreed, we will send you a Notice of Proposal.
- Notice of decision is sent
- Certificate is sent, where an application has been approved as submitted.



Stage 4: representations and appeals

- If you do not agree with our proposal to refuse your registration or to register you subject to conditions you do not agree to, you can make representations to us within 28 days of receiving the proposal.
- If you do not agree with any decision we make to adopt a previous proposal, whether or not you have made representations against it, you may appeal to the First-tier Tribunal.
- In these cases, your registration will not take effect until any appeal has been resolved, or when you have confirmed you will not be appealing.