

A new system of registration

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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.

The process at a glance

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Preparing to apply

In **December 2009**, we will publish our updated guidance about what providers must do to meet the new essential standards of quality and safety, our framework for judgements about compliance, and an online application toolkit.

We will invite you to obtain your application log-in and password, and to decide who will complete your trust's application form. You will need to tell us the 'locations' within your trust, and you should start preparing the evidence that shows you meet the new standards.



2

Applying for registration

You must submit your online application between **4 and 29 January 2010**.



Introduction

Subject to legislation, from 1 April 2010, NHS trusts that provide regulated activities (including primary care trusts as providers) must be registered with the Care Quality Commission.

New essential standards of quality and safety are being introduced across health and social care. They replace Standards for Better Health and the Regulations under the Care Standards Act 2000 and associated National Minimum Standards. To be registered by us, you must show that you are meeting these new standards in all of the regulated activities that you provide.

This booklet gives you an overview of the application process.

For a general introduction to the new registration system, please read our booklet *Guide for providers of healthcare or adult social care*. For detailed guidance on who has to be registered and which activities are regulated, please read our document *The scope of registration*, available at www.cqc.org.uk/scopeofregistration.

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Assessing applications

In **February and March 2010**, we will assess your application. We may need to talk to you about it and/or ask you to supply more supporting information. We will also ask people who use services for their views.



4

Our decision

We will make a decision about your registration, including any conditions that may be attached to it.



5

Completing your registration

From **April 2010**, NHS trusts must be registered with the Care Quality Commission. We will issue electronic certificates to all registered trusts and publish a register of their names 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 activity, you will need to apply to vary your registration.



1

Preparing to apply

In early December 2009, we will publish:

- Our updated guidance (based on the draft regulations, which are currently before Parliament) about what providers must do to meet the new essential standards of quality and safety.
- Our judgement framework, which will set out how we will judge compliance with the standards.
- An online toolkit including all the forms and guidance that you need to apply.

Applications for registration must be made online and we will invite you to obtain your log-in and password details in December. You will need to decide who will complete your trust's application, and send us details of the 'locations' within your trust (see page 10 for information on this).

NHS trusts will make one registration application only, covering all of their regulated activities.

Before making your online application, you should:

- Familiarise yourself with the regulations and with our guidance about compliance. You can view the draft regulations at www.opsi.gov.uk/si/dsis2009. (If you would like to see our guidance in advance of our update in December, you can view the latest draft at www.cqc.org.uk/guidanceforprofessionals/registration/anewregistrationsystem.cfm.)
- Prepare the evidence that shows that you meet the essential standards of quality and safety.

Please note that, until Parliament approves the legislation, our guidance and the Department of Health's guidance remains in draft form. We anticipate that the legislation will be approved in January 2010.

Core standards declaration for 2009/10

The Standards for Better Health apply until 31 March 2010, so your trust is expected to meet the core standards until then. By early December, you must send us a declaration on your compliance with the core standards between 1 April 2009 and 31 October 2009. (The closing date and time is 12.00 noon on 7 December 2009.) While this declaration is not part of the registration process, we will use it when cross-checking information to inform our decision about your registration status in April 2010.

2

Applying for registration

Submission dates

You must submit your application between Monday 4 January and Friday 29 January 2010.

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 trust. A nominated individual has responsibility for supervising the way the regulated activity is managed and must be in a suitably senior role. Providing the person that you nominate meets these criteria, it is up to you to decide who it should be.

You must have obtained a Criminal Records Bureau 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 will not need to include the disclosure document in your application.)

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 2009. 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 should we need to do so.

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 will 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 trust 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 trust provides, rather than each of your individual services. So, for example, instead of applying to register each of your units or divisions, you will have to apply to register your regulated activities, such as "treatment of disease, disorder or injury".

The regulations setting out the list of regulated activities are going through the Parliamentary process in autumn 2009. For detailed information on the draft list, please read *The scope of registration*, available at www.cqc.org.uk/scopeofregistration.

You must apply to register all of your regulated activities in one application.

What is a 'location'?

A location is the place where regulated activities are provided. For example, it could be each hospital run by the same NHS trust or each care home run by the same organisation.

Where a trust has a community-based service (such as district nursing or health visiting), the location will usually be the 'main address' from which the regulated activity is carried out.

The term location is important because, in the one 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.

We will draw up a list of the locations that we think apply to your trust, and our registration team will discuss and agree this with you before you have to pre-apply.

Declaring against the regulations

In your application, you will be asked to declare that you will 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 decisions about your registration status.

To help you make your decisions about compliance, you need to take account of our guidance about compliance. The current draft version of this is available from www.cqc.org.uk/guidanceforprofessionals/registration/anewregistrationsystem.cfm.

Please note that, to navigate your way around our updated guidance about compliance more easily, you will need to decide which 'service types' your activities fall under. These are different from the regulated activities. Full details of the service types will be included in the updated guidance document in December and our registration team will discuss these with you during the pre-application stage.

The regulation that deals with the prevention and control of healthcare-associated infections is one of the regulations that forms the essential standards of quality and safety. Although you are already registered for this regulation, we will still ask you to declare your compliance with it when applying under the new registration system.

The Department of Health issues the guidance about compliance with this particular regulation (the *Code of Practice for the NHS on the prevention and control of healthcare associated infections and related guidance*, available from the Department of Health's website), so you will need to use this to help you make your decisions about compliance with the regulation.

Trusts that provide services already registered under the Care Standards Act 2000

In January 2010, you must apply to register any regulated activities that are not currently registered by us under the Care Standards Act 2000.

Examples of activities that may be registered under the Care Standards Act 2000 include nursing or domiciliary care services provided by primary care trusts, mental health trusts or learning disability trusts. These will continue to be so until October 2010. They should not be included in the application in January 2010.

If any activities fall into this category, your trust will need to submit another application in summer 2010 for when the Care Standards Act 2000 ceases to apply on 1 October 2010. To make this process as easy as possible, you will be able to reuse some information from your January application.

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 organisation, the kinds of services you provide and the locations at which you provide them. The information that must be included will be listed in further regulations, which will be laid in Parliament in late 2009. We will advise you in due course on how to send us your statement of purpose.

Registration fee

NHS trusts and other existing providers will not have to pay a 'joining' fee for being brought into the new system. However, an annual fee will apply from April 2010.

We are consulting on our proposed fee structure for NHS trusts for the first year of registration. The consultation gives providers and stakeholders the opportunity to submit formal responses to our policy. To view our consultation document visit www.cqc.org.uk/getinvolved/consultations.cfm. The consultation ends in January 2010.

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Assessing applications

During February and March, 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 your trust.

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, overview and scrutiny committees, foundation trust boards of governors, learning disability partnership boards and local safeguarding children boards.

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Our decision

Our registration team will use our guidance about compliance and judgement framework to help make their decision.

We will either:

- Register you without conditions, or
- Register you with conditions, or
- Refuse all or part of your registration.

Some conditions will be routine. 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. These are 'restrictive' conditions.

Where we have concerns about non-compliance, we may attach conditions that require you to make improvements to your service in order to meet the essential standards of quality and safety. These are 'compliance' 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 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.

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

We want providers to make accurate declarations. Where your trust 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 trust, with or without conditions.

Where we discover non-compliance when a provider has declared compliance, 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.



Completing your registration

When your trust becomes registered, we will issue you with an electronic registration certificate.

The certificate will outline the details of the trust, the regulated activities you are registered to provide and the locations from which these are provided. If the registration has conditions applied, 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.

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

You will need to pay a fee for a variation of your existing registration and for new applications. More information on our proposed approach to fees is set out in our fees consultation document.

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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.
- 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:
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National Correspondence
Citygate
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