Registration under the Health and Social Care Act 2008

Supporting information and guidance:
Qualifications and continuing professional development requirements for registered managers and for the practitioners they supervise

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Summary

CQC has produced this supporting information and guidance in response to recommendations from the Winterbourne View Serious Case Review and in line with the commitments that we made in the Winterbourne View Review Concordat: Programme of Action.

The guidance sets out the requirements for registered managers and the staff that they supervise in respect of qualifications and continuing professional development (CPD). It is of particular relevance within care settings for people with a learning disability. However, it has broader application to registered providers and registered managers and staff across ALL care sectors and settings. It is designed to be used by legally responsible registered providers, registered managers and the staff they supervise in relation to regulatory requirements.

We use the Guidance about compliance: Essential standards of quality and safety and the Judgement framework when carrying out compliance and enforcement activity. This supporting information and guidance does not introduce additional guidance about complying with regulatory requirements.

The Government is considering the issue of professional registration for registered managers as part of its response to the Francis Report and its drive, as shown in the White Paper 'Caring for our future: reforming care and support', to promote quality in service delivery. The Health and Care Professions Council (HCPC) has made recommendations to Government about the range of options for regulating care home managers and these are under consideration. In addition, the National Skills Academy for Social Care (NSASC), as part of its remit, is also keeping the issue under review in relation to registered managers, and will be working with managers and other sector partners, including CQC, to identify options and ways forward. This will include conducting surveys of registered managers to gather their views.

There is further information about Winterbourne View in the report of the Serious Case Review and in the Department of Health’s Winterbourne View Review: Concordat: A Programme of Action.

Key information

1. What is a registered manager?

CQC registers managers of regulated activities. The registered manager, along with the registered provider, is legally responsible and accountable for compliance with the requirements of the Health and Social Care Act 2008 and associated regulations, including the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009.
Registered managers, commonly the lead individual in learning disability settings, have a pivotal leadership role. Strong leadership is fundamental to the provision of high-quality care. To be effective, leadership must be rooted in strong values, and based on a clear, shared understanding that it involves accountability for whatever is done in the name of care.

CQC has produced a guide to the application process for new registered managers.

2. What do the regulations say about the required fitness of a registered manager?

Regulation 6 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 contains the requirements for registered managers. A manager seeking registration with CQC must be able to demonstrate that they are:

(a) of good character;
(b) physically and mentally fit to carry on the regulated activity and have the necessary qualifications, skills and experience to do so; and
(c) able to supply to CQC, or arrange for the availability of, information relating to themselves specified in Schedule 3.

There is further information in our guidance for new registered managers.

3. Do all regulated services have to have a registered manager?

When we register a provider of any regulated activity, we must impose a registered manager condition in almost all cases. The exceptions are services in which the registered provider is an individual, who intends to run the service themselves and is fit to do so, and NHS trusts. Although we are not obliged to impose conditions for these providers, we sometimes do so, and in particular a number of NHS trusts have been registered with a registered manager condition.

The condition requires a provider to have a registered manager for each regulated activity they perform. For all providers that have a registered manager condition imposed, it is an offence to carry on the regulated activity without having a registered manager. It is important to note that the condition means the manager must be registered with CQC – it does not satisfy the condition for a service to have a manager, if that manager is not registered.
4. What happens when the registered manager is absent?

From time to time, the registered manager may be absent, or there may be changes to the registered manager. The legislation allows for providers to plan for any absences, as long as they tell us about it and keep us informed of the arrangements they are making to provide the service pending the appointment or return of a registered manager. Regulation 14 of the Care Quality Commission (Registration) Regulations 2009 requires a registered person to notify us when the manager will be absent. They must also include the name, qualifications and contact details for the person who they intend to manage the activity(ies) during the absence.

If the date of return is not known and/or the absence is likely to be lengthy, the provider must propose a date by when a cover registered manager will be appointed.

This notification allows us to assess what impact the loss of this key leadership role may have on the delivery of the regulated activity. Where CQC judges the absence of the registered manager as having a negative impact on the delivery of the regulated activity, for example where the needs of people using the service have been compromised in some way impacting on individual health, welfare or safety, we will use our monitoring and enforcement powers robustly to ensure that the regulations are met.

There is further information about notifying CQC about the absence of a registered manager in the notifications pages of our website. See also sections 13 to 16 of the Health and Social Care Act 2008.

5. Do registered managers have to hold a leadership qualification?

Registered managers of regulated activities must have the necessary qualifications, skills and experience.

When applying to be a new registered manager, applicants should hold, or be working towards, an appropriate qualification as advised by Skills for Care. The role of a registered manager is very challenging and increasingly complex. Previously gained qualifications, skills and experience will significantly support their competence in this important leadership role.

Skills for Care advise having the Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services, choosing the pathway:

- Management of Adult Services or
- Management of Adult Residential Services.
The Level 5 Diploma in Leadership for Health and Social Care and Children and Young People’s Services replaces and combines the Level 4 Leadership and Management in Care Services NVQ and the Level 4 Health and Social Care NVQ qualifications, to offer a hybrid qualification.

The Level 5 Diploma has the same mandatory units across what used to be two separate qualifications. Learners can choose one of six pathways, allowing them to tailor the qualification to their job role.

A Level 5 leadership qualification does not guarantee that a manager will become registered with CQC; it is a qualification that Skills for Care consider to be appropriate for managers in health and social care settings. If a manager does not have this qualification, it does not always mean that they cannot become a registered manager. However, they must be able to demonstrate to CQC in some way that they have the necessary qualifications, skills and experience.

There is further information in Guidance about compliance: Essential standards of quality and safety (Outcomes 24 and 25). Also, see Meeting the workforce regulations: Skills for Care advice on CQC’s workforce-specific outcomes.

6. Do registered managers have to hold a professional qualification?

Applicants should refer to the provider’s job description for the position. However, for the purpose of registration, CQC does not currently require a manager to have a professional qualification in relation to any particular regulated activity within either health or adult social care sectors. As previously stated, the applicant must demonstrate that they have the necessary qualifications, skills and experience to carry on the regulated activity. If an applicant does hold and use a professional qualification, they are expected to be registered with the relevant professional regulators and/or professional bodies where appropriate, and to comply with their requirements and codes of practice.

Note: A professional qualification in itself does not demonstrate that an applicant is fit to be a registered manager.

If an applicant without a professional qualification is applying to be a registered manager for regulated activities where there are professionally qualified staff – for example, healthcare practitioners – the applicant manager and provider will need to demonstrate how they can ensure that appropriate support is
going to be available in accordance with Regulation 23 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2009 and Outcome 14 in the *Essential Standards of quality and safety*.

All managers applying for registration must demonstrate how their relevant skills and experience – both in the delivery of direct health and care services and supervisor/management experience – can be transferred to the registered manager’s role.

There is further information about continuing professional judgement on the [General Medical Council](http://www.gmc-uk.org/)’s website.

### 7. What are the necessary skills and experience for registered managers?

It is the applicant’s responsibility to demonstrate that they have the necessary qualifications skills and experience. They should show how their skills and experience can be transferred to the regulated activity environment in question to deliver safe, effective and high quality care. CQC will assess applications and make a judgement about whether the applicant has the necessary qualifications, skills and experience. This assessment is called a ‘fit person’ assessment.

Such necessary skills and experience could include working in a range of care and support settings with people who have a learning disability. They should be able to demonstrate effective communication, including communicating with people who do not use the spoken word. Applicants and existing registered managers need to demonstrate that they understand how to develop arrangements that safeguard and protect people from abuse. They need to show they can comply with the requirements of the regulations more generally in a learning disability setting, with people who may present a diverse range of psychological, communication, physical and cultural needs.

Applicants and existing registered managers must be able to demonstrate their commitment to upholding the values of dignity, respect, equality and human rights in the delivery of care to people with learning disabilities.

There is further information on the websites of Skills for Care and Skills for Health:

- [www.skillsforcare.org.uk/home/home.aspx](http://www.skillsforcare.org.uk/home/home.aspx)
- [www.skillsforhealth.org.uk/](http://www.skillsforhealth.org.uk/)
8. What are the professional development and supervisory responsibilities of the registered manager?

All applicants for registration are required to demonstrate, among other things, that they are of good character, physically and mentally fit to carry on the regulated activity and have the necessary qualifications, skills and experience to do so.

If an applicant holds and uses a professional qualification, for example in social work or nursing, and is a member of a professional body, it is their responsibility to maintain professional registration. To maintain professional registration, the applicant must maintain evidence of their own ongoing continuing professional development (CPD) as laid down by their professional body. The applicant must also follow the code of professional conduct laid down by the relevant regulatory body.

Registered manager applicants also need to be able to demonstrate how they will comply with the requirements of regulations more generally, which includes ensuring that the regulations regarding staffing are complied with.

In relation to support and supervision, the responsibilities of providers and registered managers include being able to show that suitable arrangements are in place to ensure that people employed for the purposes of carrying on the regulated activity are appropriately supported in relation to their responsibilities, to enable them to deliver care and treatment to people who use services safely and to an appropriate standard. The registered manager should ensure that the staff they supervise have access to effective induction, training, development and supervision, including opportunities to reflect on practice. There is more detail about this in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 (Regulations 21, 22 and 23) and Outcomes 12, 13 and 14 in the Guidance about compliance: Essential standards of quality and safety.

Further information is also available from the Social Care Institute of Excellence and the Nursing and Midwifery Council:

9. What are the training and continuous development requirements for staff in practitioner roles?

Health and social care environments may use different terms to describe practitioners who provide direct care to people. Often this is in a hospital or care home environment. In some settings they may be referred to as ‘care workers’, ‘support workers’ or ‘health care assistants’.

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 Regulations place a number of requirements on registered providers and managers in relation to ‘persons who are employed for the purposes of carrying on the regulated activity’

Generally in environments where regulated activities are being carried on, it is the responsibility of individuals, together with the support of their employing organisation (the provider) and the registered manager, to ensure they maintain and develop their skills and knowledge at all times to ensure competency. As part of the induction process, Skills for Care recommend that employers ensure that the Common Induction Standards are put into context for different groups of people in different services. The Common Induction Standards information on the Skills for Care website provides further detail. Skills for Health recommend using the National Minimum Training Standards for support workers.

Skills for Care also recommend using the Managers Induction Standards to support new managers or those who are preparing to move into managerial roles.

The Diploma in Health and Social Care, Learning Disability Pathway, Level 2 or 3 (depending on the job role) confirms occupational competence. They are the suggested qualifications to complete following induction for those working in learning disability services.

When supporting people with autism, Skills for Care and Skills for Health have developed an autism skills and knowledge list to enable workers to determine whether they have the appropriate skills and knowledge to support those receiving care and support.

Continuous professional development should consist of a range of learning opportunities including training, reading, learning sets, conferences etc.

Awards and Certificates in Supporting Individuals with Learning Disabilities, at Levels 2 and 3, provide accredited opportunities for continuing professional development.
10. What should staff in practitioner roles expect from the registered manager in terms of clinical supervision and support?

The registered manager has a variety of responsibilities under Regulations 21, 22 and 23 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 in relation to staff employed for the purposes of carrying on the regulated activity. Responsibilities include ensuring that the staff have the relevant qualifications, skills, experience and training to carry out the role. Staff in health and adult social care settings should be aware that managers have these responsibilities. They also include appropriate induction, relevant training, including refresher training, support that might include the use of mentoring/coaching arrangements, supervision and opportunities for staff to reflect on practice in an honest and open manner.

CQC has worked with stakeholders to develop a separate supporting information guide about supervision requirements for providers, registered managers and staff.

Further information can be found at:

www.scie.org.uk/publications/guides/guide50/about.asp%20

11. What are the benefits of qualifications and CPD to people who use services?

Appropriate qualifications, as recommended by the sector skills councils for health and social care, offer an assurance to people who use services and carers that the worker has received training and development opportunities and has demonstrated understanding and effective practice standards in supporting people who use services. CPD offers an assurance that the worker is maintaining and developing their skills and knowledge in order to support people who use services.

See the Skills for Care website for further information:

www.skillsforcare.org.uk/mis
www.skillsforcare.org.uk/cis
www.skillsforcare.org.uk/entry_to_social_care/entry_to_social_care.aspx
www.skillsforcare.org.uk/qualifications_and_training/adultsocialcarequalifications/adultsocialcarequalifications.aspx
Personalisation, and giving people who use care and support services the opportunity to exercise meaningful choice and control, are at the heart of government policy and practice development in the sector. Qualifications, training and CPD for managers, including in leadership issues, mean that managers are better placed to make personalisation a reality for more people who use services in their individual care settings. Information and support for registered managers is available on the National Skills Academy for Social Care website.

Further information can also be found at:

www.thinklocalactpersonal.org.uk
www.nsasocialcare.co.uk
www.skillsforcare.org.uk/about_us/about_us.aspx

12. What are the benefits of qualifications and CPD to the provider and registered manager?

Appropriate qualifications, as recommended by the sector skills council for health and social care, offer an assurance that the worker has received learning and demonstrated an understanding in a defined way in order to support people who use services. CPD offers an assurance that the worker is maintaining their skills and knowledge in order to support people who use services. As well as being an indicator of quality, there is a wide range of business benefits associated with the consistent achievement of relevant qualifications within the workforce. Skills for Care has produced an information leaflet on these.

Registered managers, commonly the lead individual in provider settings, have a pivotal leadership role, and therefore qualifications and CPD are of crucial importance to providers and managers alike. The Adult Social Care White Paper (2012) recognised the especially important impact they have on people’s experience of care and support, and the need to provide more support for them to combat the isolation they can sometimes feel.

Broader social care trends also make it important for registered managers to have better access to information, advice and leadership skills, so that they can operate with confidence in a sector that is changing as never before. There is a national programme of support available to registered managers through the National Skills Academy for Social Care.
13. What should providers or registered managers take into account when recruiting staff?

Regulation 21 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 details the requirements in relation to recruitment.

The sector skills councils have produced guidance to support safe and effective recruitment. This guidance focuses on the skills, knowledge, competencies and behaviours that staff should demonstrate.

Providers and managers should consider recruiting and selecting for social care values and behaviours, as set out in the Leadership Qualities Framework from the National Skills Academy for Social Care.

From June 2013, there is a free online toolkit available from www.nsasocialcare.co.uk for providers and managers to use when recruiting staff, to help them recruit for values.

Further information can be found at:
http://www.skillsforcare.org.uk/entry_to_social_care/recruitment.aspx

14. How does CQC monitor qualifications and CPD of registered managers and staff?

Providers and registered managers are responsible for ensuring that staff are supported to maintain their training, qualifications and CPD as appropriate and in accordance with the requirements of regulations. Ultimately it is the individual’s personal responsibility to maintain their CPD.

From registration through to inspection, CQC will assess and make evidence-based judgements about the extent to which the provider and registered manager is complying with the requirements of regulations and enabling staff to access, participate in and reflect upon relevant training and CPD. During inspections, the provider and registered manager should demonstrate how and when staff have been appropriately supported to complete appropriate training and CPD. More of our inspections will include people who use services or carers as our Experts by Experience.

Further information is in Outcomes 12,13 and 14 in the Guidance about compliance: Essential standards of quality and safety (Regulations 21, 22 and 23), and in Skills for Care’s Capable, Confident, Skilled: A workforce development strategy for people working, supporting and caring in adult social care.
Key relevant resources

BUILD is a Norfolk based independent registered charity providing social, leisure and learning opportunities to adults and young people with sensory, physical or learning disabilities. [http://www.buildnorwich.org.uk/](http://www.buildnorwich.org.uk/)


English Community Care Organisation – representing independent care providers [www.ecca.org.uk](http://www.ecca.org.uk)


My Home Life website [www.myhomelife.org.uk](http://www.myhomelife.org.uk)

National Care Association website [www.nationalcareassociation.org.uk](http://www.nationalcareassociation.org.uk)

National Care Forum website [www.nationalcareforum.co.uk](http://www.nationalcareforum.co.uk)

National Skills Academy for Social Care [https://www.nsasocialcare.co.uk/registered_managers/new](https://www.nsasocialcare.co.uk/registered_managers/new)


Skills for Care, Providing Effective Supervision (2007) [http://www.skillsforcare.org.uk/developing_skills/leadership_and_management/providing_effective_supervision.aspx](http://www.skillsforcare.org.uk/developing_skills/leadership_and_management/providing_effective_supervision.aspx)
http://www.skillsforcare.org.uk/developing_skills/autism/autism_skills_and_knowledge_list.aspx

Skills for Care and Skills for Health: relevant links about qualifications, CPD and training for health and social care staff:
http://www.skillsforcare.org.uk/developing_skills/autism/autism_skills_and_knowledge_list.aspx

http://www.skillsforcare.org.uk/developing_skills/autism/autism_skills_and_knowledge_list.aspx


http://www.skillsforhealth.org.uk/getting-the-right-qualifications/

http://www.skillsforcare.org.uk/developing_skills/autism/autism_skills_and_knowledge_list.aspx


http://www.skillsforcare.org.uk/qualifications_and_training/qualifications_and_training.aspx


http://www.skillsforcare.org.uk/qualifications_and_training/qualifications_and_training.aspx


Social Care Institute for Excellence website (2011).
http://www.scie.org.uk/topic/people/olderpeople/olderpeoplewithlearningdisabilities/autism

Social Care Institute for Excellence, effective supervision in a variety of settings, (2013).
http://www.scie.org.uk/publications/guides/guide50/about.asp

South Gloucestershire Safeguarding Adults Board, Winterbourne View Hospital: A serious case review (2012).
The Association of Care Managers
www.caremanagers.org.uk

The British Psychological Society website
http://www.bps.org.uk/

The Care Quality Commission
http://www.cqc.org.uk/

Think Local Act Personal website
www.thinklocalactpersonal.org.uk