

Guidance for organisations applying for both registration and licensing as a new service provider

CQC and Monitor have combined the separate application forms to apply for a CQC registration and an NHS provider licence issued by Monitor. This guidance will help you to use the new single form, which will enable you to apply for both at the same time.

Application by an **organisation**

April 2014

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Introduction

This guidance will help you to fill in and submit the application form if you are applying to register and obtain a licence for the first time.

It follows the layout and order of the application form itself. We advise you to read the guidance before you begin to fill in the form, and then have it open at the relevant section as you work through the form.

Only use this form if you are an

organisation applying to register and applying for a licence as a new service provider.

Do not use it if you are an:

- Organisation that is already registered as a service provider ('provider'), for any purpose
- Partnership, for any purpose
- Individual, (whether provider or manager), for any purpose
- Organisation that is exempt from requiring an NHS provider licence

Background

Sections 288 and 289 of the Health and Social Care Act 2012 require that, from 1 April 2014, the Care Quality Commission (CQC) and Monitor will offer new providers of NHS health care services the opportunity to apply for a licence and registration at the same time. The provider will complete only one application form, and a successful application for both registration and licensing will result in issuing a single document comprising the CQC registration certificate and the NHS provider licence. The provider is now able to provide NHS services as a licensed provider and deliver the regulated activities (RAs) for which they are now registered and licenced. This is the standard Joint Licensing and Registration (JLaR) process.

This document describes the process to jointly issue a CQC registration and an NHS provider licence to a new service provider. Although it is termed a joint process, CQC and Monitor continue to make their individual decisions and follow relevant individual statutory steps.

Applications are required/submitted under section 11 of the Health and Social Care Act 2008 (CQC registration) and Sections 81 and 85 of the Health and Social Care Act 2012 (NHS provider licence issued by Monitor).

Registration entitles you to provide 'regulated activity' as defined by Section 8 of the Health and Social Care Act 2008 and by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010. You can read continuously updated versions of the Act and regulations on our [website](#).

Please note: It is an offence under section 10 of the Health and Social Care Act 2008 to carry on regulated activity without being registered by the Care Quality Commission. You could be prosecuted, and it could lead to your application being refused.

You can get more information about the regulated activities that must apply for registration in our [Scope of Registration Guidance](#), which you can read on our website.

Licence

Section 81(1) of the Health and Social Care Act 2012 ("the 2012 Act") provides that any person who provides health care services for the purposes of the NHS must hold a licence unless exempt under section 83 of the 2012 Act. All such providers are required to hold a licence from 1 April 2014.

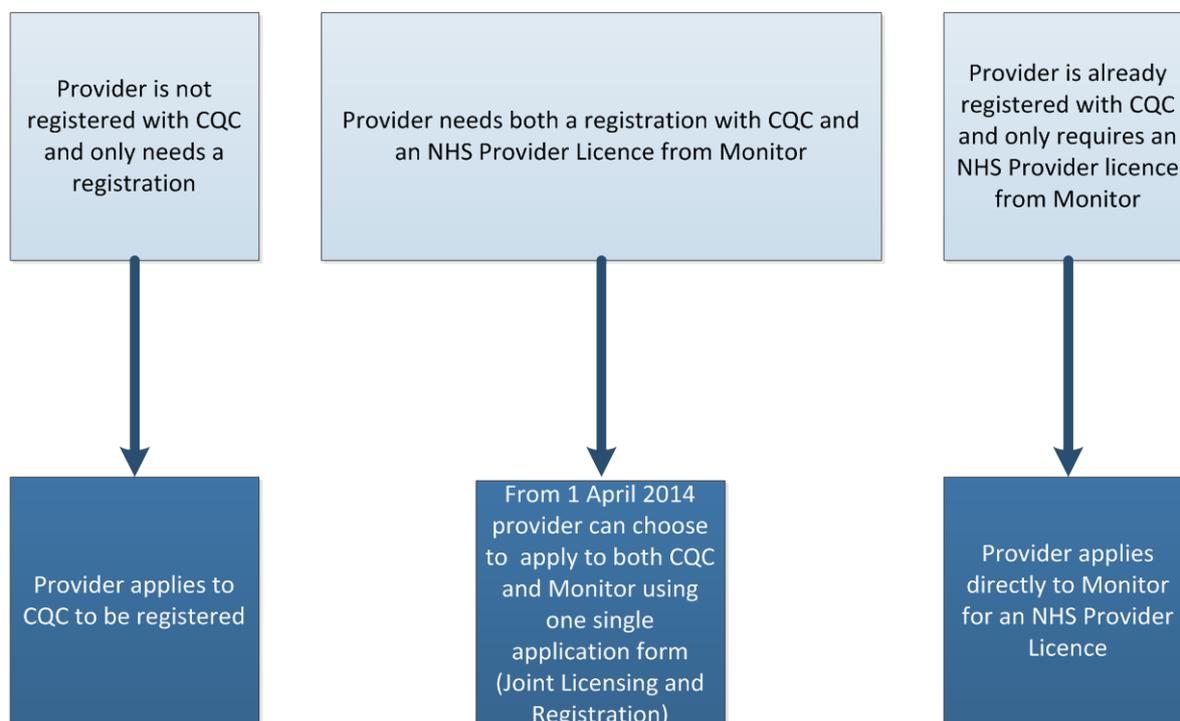
Licensed persons must comply with their licence conditions. These can be standard conditions, which apply to all licence holders or to particular types of licence holder, and special conditions, which will apply to an individual provider. You can see the standard licence conditions in [The new NHS provider licence](#) and its annex [NHS provider licence standard conditions](#).

Monitor has powers, under the 2012 Act, to take action against actual or suspected licence breaches. These include the power to take action to stop a breach continuing, to rectify the breach and/or to impose a fine. It also has the power to revoke a licence. Monitor's [Enforcement Guidance](#) sets out the principles it would follow in taking enforcement action.

Please visit the website www.monitor.gov.uk for information on how Monitor regulates providers of NHS health care services.

Overview of the process

Figure 1: Summary of the processes to apply for CQC registration and/or an NHS provider licence



If you are not already registered with CQC you can apply for both a CQC registration and an NHS provider licence on the same form, called the Joint Licensing and Registration (JLaR) form. The joint application consists of two parts: Part A (CQC registration) and Part B (NHS provider licence). You can access the form directly on CQC's website or link to it from Monitor's website. You need to complete both Parts A and B of the JLaR form and submit it to CQC's National Customer Service Centre by email or post, as advised on the form. Providers who apply using the JLaR will not need to apply separately to CQC and then Monitor.

The JLaR process may take up to 12 weeks. The bulk of this time is required for the assessment needed for the CQC registration decision, in line with published timescales.¹ You should factor in the time it will take to process your application when deciding when and how to apply.

We must refuse an application for registration and/or a licence where the registration and/or licence grant criteria are not met. In such cases, you will have the opportunity to make representations against any such proposal(s) and maintain a right to appeal against any final decision.

Further details about the representations and appeals process are set out in (Representations and Appeals) towards the end of this guidance document.

¹ See Question 45, [CQC Guide to the application process: Guidance for new providers](#).

Confidential personal information

Please make sure that your application does not include any confidential personal information about the people who will use your service or your staff. This includes any information that can identify a person. We will return any application form that includes such information.

Registered managers – applies to CQC registration only

Organisations must have a **registered manager** for each regulated activity. Managers can sometimes manage more than one regulated activity and/or location (see the relevant guidance on our website).

If any location in this application already exists, and:

- Is being transferred or sold to you by an existing registered provider, and
- Has an existing registered manager who you intend to employ to manage the same regulated activity(s) with the same conditions on their registration at the same location(s):

The manager(s) does not have to submit the normal full application forms. They can use a process that uses a shorter form ('Application to continue registration as a manager under a new provider') to both cancel their existing registration and apply for new registration with you as provider.

All other managers must submit a full new registered manager application form, even if they are registered as a manager elsewhere or have been in the past.

Managers should download and fill in the correct form. Our [website form finder pages](#) will help them to do so. You must submit the manager's form(s) with this application. We will have to return your application if you fail to do so.

Filling in the form

You must complete the entire application form, including Part A for CQC registration and Part B for an NHS provider licence issued by Monitor.

It is your responsibility to:

- Confirm whether or not you are required to hold an NHS provider licence by consulting the Department of Health guidance on which providers of NHS services are required to hold a licence, and which are exempt. You should also read the licensing guidance on Monitor's website (www.monitor.gov.uk/licence). If a provider does not hold a licence in breach of the requirement under Section 81 of the 2012 Act, Monitor can take formal enforcement action against that provider including levying a fine.

- Fill in an answer to every field marked with an asterisk (*). Other fields are optional, but if you have the information please provide it. We will have to reject and return an incomplete application.
- Complete the declaration of compliance section for each regulated activity at each location where it will be provided.

You can fill in and submit this form on paper or on a computer. If you fill it in on a computer you can submit it by attaching it to an email; this is the best way to make applications to the Care Quality Commission and Monitor.

If you have any additional attachments for the licensing part of this application, you must attach them to the same email, clearly showing the provider name and address, as well as the question number(s) the attachment relates to. Similarly, if you send in your application by post:

- any attachments must be included with your application form and show the provider's name and address, with the question number(s) each attachment relates to, and
- if you need more space to answer any questions, you need to submit additional clearly numbered sheets and mark them with the question number from this form.

This form has been prepared as a 'protected' Word document. That means that if you use a computer you can easily move from answer to answer using your 'tab', down arrow, and page down keys. You can also click from answer to answer using a mouse. You can put an 'X' in checkboxes using your space bar or mouse. You can go backwards to change your answers using your page up key, up arrow key, or mouse.

You can't use spell check or format text with bullets in protected Word documents. If you want to check spelling or use bullets you can type or paste text into a blank new document, correct any spelling errors, add any bullets, and then copy and paste it into the appropriate part of your application form.

You can fill in this form on a computer using 'Microsoft Word' or 'Open Office'. Open Office is a free programme you can download from www.openoffice.org. The spaces for answers expand if necessary while you type.

If you are filling in this form on paper and need more space to answer any questions, please submit additional clearly numbered sheets and mark them with the question number from this form. Please complete the form in BLOCK CAPITALS using a BLACK PEN.

Additional sections – applies to CQC registration only

Where your application includes more than one nominated individual or location, you will need to download, fill in and submit additional sections. There is information about this within the relevant sections in this form.

If you are submitting this application by email you must attach all of the required additional sections and manager application forms, as well as this main form, to your application email. If you are submitting your application by post you must enclose all of the forms in your application envelope. The email address and postal address are shown at the bottom of the application form.

Registration

You should register as an organisation if you are a registered company or charity, a limited liability partnership (LLP) or other corporate body. In this case, it will be the organisation itself that registers, not the people who control it.

Statement on the Data Protection Act 1998

You must sign the statement on the Data Protection Act 1998. If you don't we will return your application. The statement explains what CQC and Monitor will do with the information you submit in your form, and by signing it you show your agreement to this.

The person who signs the statement must be duly authorised to do so on behalf of the organisation. **Where you are asked for your name please use your legal name as stated in your legal documents.**

As with other parts of the form that require a signature, we accept typed-in names in forms submitted by email in the same way as a hand-written signature on a paper form.

Enquiries

You can read more information on our website www.cqc.org.uk or call the CQC's National Customer Service Centre on 03000 616161. For enquiries regarding the NHS provider licence, please contact Monitor's enquiries team on 020 3747 0606. Further information on licensing is also available from Monitor's website www.monitor.gov.uk.

Fees

Before you complete Part A of the form, you are strongly advised to read CQC's guidance about service types that can be found on pages 13 to 31 of the *Guidance about compliance: Essential standards of quality and safety*.

Please note: The service type(s) you select are used to calculate your annual fee, so it is important to select only those that apply to each of the locations you are registering.

You should also read CQC's guidance for providers about fees.

There are currently no fees for applying for a provider licence with Monitor.

Section One: Application details

You must fill in an answer to every field marked with an asterisk (*).

1.1 Provider organisation's name and contact details	
*Organisation's name	This is the legal name of the organisation registered at Companies House, with the Charities Commission, or shown in legal documents, as appropriate.
Name you trade under if different to the above	If your organisation trades under a different name, please show it here.
The registered office of the organisation (if applicable) or its principal office:	
*Address	<p>This is a key piece of information about you. It must be completed in full (without any abbreviations etc) and in the format indicated in the specific boxes (e.g. do not put the "Town/City" in the "Address" lines; do not include the "County" in the "Town/City" line etc).</p> <p>For the purpose of CQC registration alone, the postal address you enter must be an address in England and must not be a PO Box number. This is the postal address we will use for service of documents in accordance with Sections 93 and 94 of the Health and Social Care Act 2008 and, if applicable, Section 149 of the Health and Social Care Act 2012 if you do not agree to service by email.</p> <p>If you can't provide an English/UK address please contact us.</p> <p>We will publish your postal address as the organisation's</p>

	contact details on our websites and on your certificate of registration and the licence. We will also use this address for sending other correspondence by post, including draft and final inspection reports, if you do not agree to receive it by email.	
*Email address	We will use the email address you supply in this field as the address for service of formal legal notices and other documents, unless you tick or check the box under the address table on page 11 of the form indicating that you do not wish to receive formal legal notices and other documents in this way. (There may be some occasions where we will need to post formal notices to you).	
Website *Main business telephone	Please provide these helpful basic items of information (you must provide your main business telephone number).	
*Legal status of the provider organisation (Public limited company/limited company/charity/partnership/joint venture/ other) If 'other' has been selected as the legal status above, please give particulars	Please select which description applies to your organisation. If the appropriate description is not shown please select "Other" and give further details below. Provide details of the legal status of your organisation if you have entered "Other" above.	
*Registered company or charity number (if applicable)	Companies or charities must provide their company and/or charity number	
*Other number (if applicable)	If you have any other number please insert here and provide an explanation of what it is.	

By submitting this application you are confirming the organisation's willingness for CQC and Monitor to use the email address **you entered in Section 1.1** for service of documents and for sending all other correspondence to you. Email ensures fast and efficient delivery of important information. If you do not want to receive documents by email please check or tick the box below. We will not share this email address with anyone else.

We do NOT wish to receive formal legal notices and other documents from CQC/Monitor by email	<input type="checkbox"/>	
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It is vital that the postal and email addresses you supply are valid, clear and accurate, and that you keep us up to date with any changes.

1.2 Alternative temporary correspondence address

You can supply alternative temporary contact details in Section 1.2 if this would be helpful. We will only use these details while processing this application. We will not use this address or any alternative temporary email address for service of documents or for other correspondence.

For an NHS provider licence, the email address provided in 1.1 will be used for all notifications, unless you have ticked the box above.

***1.3 Invoice and financial contact details – for CQC registration only**

If your invoice and financial contact details are different from the address provided at sections 1.1/1.2, please fill in the relevant address and contact details. This will ensure CQC is able to contact you when required.

If they are the same, move on to Section 1.4.

***1.4 Financial interests in registered services – for CQC registration only**

If your **organisation** has any current financial or business interests in a registered provider, or if a registered provider has any current financial or business interests in your organisation please check the 'Yes' box and fill in the details of these registered provider(s). Please include their CQC number(s) (as shown on their certificate(s) of registration).

***1.5 Essential business relationships with other service providers – for CQC registration only**

If carrying on the regulated activities proposed in this application will depend upon formal contractual relationships with any other service provider(s), please tick or check the 'Yes' box and fill in the details in the space provided.

***1.6 Financial Year End information (For both CQC registration and an NHS provider licence)**

We need certain information about the way you maintain your financial records. This is to assist us with our ongoing monitoring of CQC registered organisations and NHS provider licence holders.

***1.7 Administration, receivership, and other insolvency processes – for CQC registration only**

If any people in your **organisation** or (where applicable) its **parent holding company or companies** have ever been in administration or receivership, or subject to any other insolvency process(es), including any current unresolved processes or proceedings, you **must** check or tick the 'Yes' box and provide the dates and details of the processes involved. If you do, we may contact you for more information about this.

Part A: CQC registration

***1.1 Is your organisation a subsidiary of another company?**

You must fill in an answer to every field marked with an asterisk (*).

If your organisation is a subsidiary of another main holding company, please check or tick 'Yes' and provide its contact details in the appropriate parts of Section 1.1. Where this is not applicable, please move on to Section 1.3.

***1.2 More information about parent and subsidiary companies**

If your organisation is the subsidiary of a holding company or companies please provide information about their name(s) and company number(s) in the Section 1.2 text box. In addition if your organisation is a parent company please provide information about its subsidiaries.

Please explain the relationships between the applicant organisation and the other organisations involved and their structure of ownership. Please include information about the wider ownership structure where the holding company is itself the subsidiary of another company or companies.

Where this is not applicable, please move on to Section 1.4.

***1.3 Nominated individual(s)**

You must fill in an answer to every field marked with an asterisk (*).

Where you are asked for your name please use your legal name as stated in your legal documents.

Nominated individuals are persons “employed as director, manager or secretary of the body (who are) responsible for supervising the management of the carrying on of the regulated activity” (Regulation 15(3), the Care Quality Commission (Registration) Regulations 2009).

Use this section (and any additional sections that are required) to provide details of the person(s) who will act as the nominated individual(s) for each of the regulated activities you are applying to carry on in this application.

One person can act as nominated individual for more than one regulated activity.

In certain circumstances, registered managers can act as nominated individuals, normally where the organisation is small.

If you plan to have more than one nominated individual you must download additional nominated individual sections from the website page where you found this application form and guidance. If you don't identify a nominated individual for each regulated activity, we will have to return your application.

Please put appropriate numbers into the part of the nominated individual section reproduced below. We will use this information to check that you have sent us details for all of the nominated individuals you need in your application.

***Details of a nominated individual for regulated activities**

You must fill in an answer to every field marked with an asterisk (*).

Enter the regulated activities the nominated individual will cover and then their personal details, as requested in the form. You must identify a nominated individual for each of the regulated activities you select in Section 2.

Check or tick 'Yes' or 'No' as appropriate to show whether you have received an enhanced DBS disclosure certificate for the proposed nominated individual. The law requires you to have this, and if you have not done so we will have to return your application.

Fill in the DBS disclosure certificate number and the date the certificate was issued.

***1.4 Professional body disciplinary proceedings, other investigations and action by the Disclosure and Barring Service (DBS)**

Check or tick 'Yes' if any nominated individuals proposed in section(s) 1.3 are subject to any disciplinary action, current proceedings, investigations or restrictions or bars on activity by a health or care professional regulator or the Disclosure and Barring Service.

Relevant health and care professional regulators include the General Medical

Council, the Health and Care Professions Council, the General Dental Council and the Nursing and Midwifery Council.

If the proposed nominated individual has been investigated due to safeguarding concerns while working in a health and social care setting (in any role) then please tick the 'yes' box.

Where you tick or check 'Yes', please provide summary details in the box provided. We may contact you for more information about this.

If this doesn't apply, tick or check 'No' and move on to Section 1.6.

***1.5 Previous registration history**

If your organisation, any parent organisation or subsidiary, or any of its directors (or equivalent) has ever been registered or licensed under any of the Acts of Parliament listed in this section, please check or tick the appropriate box or boxes. Please also explain the circumstances and dates in the box provided.

We may contact you for more information about this.

Section 2: The locations you want to provide regulated activity(s) at or from

There is detailed guidance about locations on our website (www.cqc.org.uk). You should read this guidance before you submit your application.

Search for the document '[What is a location? Guidance for providers](#)'.

***2.1 Purchase or transfer of existing location(s)**

You must fill in an answer to every field marked with an asterisk (*).

If your application involves buying or taking over a service or location(s) being run by an existing registered provider, it is important that CQC knows about this.

Where this is the case, please check the 'Yes' box and provide the requested details in this section.

We also ask that you check the box if you do not agree to us discussing your application with the existing provider. If you do this, we will need to talk to you about it.

CQC must also receive and process relevant applications from the existing provider(s) and manager(s), as well as from your organisation and proposed new managers. These applications must be processed in the right order, therefore it is essential to have coordination and cooperation between CQC, your organisation and the existing provider to achieve this.

Sections 2.2 to 2.14 Please use these sections to provide information if you are applying to register more than one location.

If you are applying to provide regulated activities at more than one location you can download additional location sections from the web page where you found the main form.

If you are filling in this form on paper and need extra space, please add extra numbered sheets as needed, and mark them with the question number from this form.

Please give each location a number in the same way as you did for nominated individuals, so that we know you have sent us information about all of your locations.

You must check or tick the boxes for the services you will provide at **each** location you are registering. The service types you declare should match the description of your service in your statement of purpose.

If you don't give us information about all of your locations we will have to return your application.

*2.2 Location details

You must fill in an answer to every field marked with an asterisk (*).

CQC location ID	If this location is already being used by an existing registered provider to carry on regulated activities, please enter its CQC location ID number. You can find this on the existing provider's certificate of registration. Leave this question blank if it does not have a CQC location ID number.
*Locations name, address and other contact details	Fill in the required information
*No of places or beds (*if applicable)	<p>State the number of people who will use the service at this location.</p> <p>It is important for care home providers to record the number of overnight beds/places at this location as CQC makes it a condition of registration for care homes.</p> <p>For providers of care homes, residential substance misuse services, and specialist college services, we will also need this information to calculate the annual fee payable to CQC for your registration.</p> <p>For specialist college services, please state the number of beds at this location used to accommodate students receiving education who also require nursing or personal care, rather than the total number of beds.</p> <p>For residential substance misuse services, please state the number of beds at this location where the accommodation is provided together with treatment for substance misuse, and it is provided in a residential setting rather than a hospital or in the community.</p> <p>Where we cannot agree the number you propose in this box, we will contact you about this.</p>

Day-to-day management of regulated activities at this location

Please note that, where required, applications for registration from proposed managers for this location, including from *existing* managers to continue their registration to manage it under your registration, **must** be submitted **with your application**.

***2.3 Planning consent**

***2.4 Building regulations**

***2.5 Food safety**

***2.6 Safety of equipment, plant and utilities**

***2.7 Landlord/mortgage lender's permission**

Please check / tick the appropriate boxes to confirm whether the permissions, certificates, registrations and authorisations referred to in questions 2.3 to 2.7 have been obtained (or to show that they are not applicable or not yet received) in relation to the location.

Planning consent: the Local Planning Authority (LPA), will grant planning permission through a Decision Note identifying what you need to do to satisfy planning requirements. Not all decisions will have to be completed before a provider can start its business, but there should be documentary evidence from the LPA to evidence that they are satisfied the building can commence business.

Building regulations: Approval is required under building regulations to change the use of a property for business or institutional purposes (for example, a hospital, a nursing home, or a home for caring for elderly people or children). A building regulations completion certificate will be issued by either a Local Authority Building Control (LABC) or Approved Inspector Building Control (AIBC).

Fill in additional required details in the relevant fields.

Check or tick 'Yes' or 'No' as needed to show whether you have maintenance contracts in relation to all the equipment, plant and utilities you own, lease or use – or will own, lease or use – in relation to providing your service at this location.

If 'No', please describe the equipment, plant and utilities not covered by maintenance contracts and how you will ensure that servicing and repairs are undertaken in a timely and prompt way, as required by their manufacturer's instructions.

CQC must be confident that you are providing your service lawfully, and that services to people will not be disrupted by difficulties over essential permissions and legally required authorisations.

***2.8 Location readiness**

Check or tick 'Yes' or 'No' as needed to show whether the location's premises are ready for use to provide the regulated activities and services you have proposed in your application.

It takes CQC up to eight weeks to process most applications, sometimes more. You must not begin to provide regulated activity(s) until you are registered to do so. Equally, you should not submit applications until you are ready to provide your proposed service, or very nearly so.

This is because by law, CQC can only register providers that we are confident will

comply with the Act and regulations. We will not be able to assess whether the Act and regulations are likely to be complied with in certain circumstances, these could include:

- Where there are substantial outstanding building works
- Where essential equipment, staff or other resources are not yet available
- Where the systems, procedures and policies that will be needed are not in place.

We recognise that new providers may not be able to demonstrate actual compliance with all requirements as they are not yet providing the service. Because of this we assess whether the 'inputs' and 'processes' applicants have put in place are likely to enable them to comply with the Act and regulations, and deliver the 'outcomes' described in the 'Guidance about Compliance: Essential standards of quality and safety'.

These essential inputs and processes must therefore be ready for us to assess **before** you apply for registration.

Please provide the date when you plan to begin carrying on the regulated activities in this application.

You must ensure that all required certificates, registrations and permissions referred to in the guidance to Sections 2.3 to 2.6 above are available or very shortly will be before you apply for registration.

***2.9 The regulated activities you propose to carry on at this location**

Please check / tick all of the regulated activities you want to carry on at this location.

If you propose to carry on the regulated activity '**Accommodation for persons who require nursing or personal care**' you must also fill in Section 2.11 of the form, *but make sure you read the guidance to Section 2.11 carefully before you do so.*

For each regulated activity you wish to carry on at a location, please provide an explanation. The explanation should tell us what service you are providing at the location.

***2.10 Service types provided at this location**

Please note: The service type(s) you select are used to calculate your annual fee, so it is important to select only those that apply to each location included in your application.

Before you fill in this section you are **strongly advised** to read the detailed guidance about service types on pages 13 to 31 of the *Guidance about compliance: Essential standards of quality and safety*.

You should also read our guidance for providers about fees before completing the

rest of Section 2. These guidance documents are available on our website: www.cqc.org.uk.

Acute services (ACS):

If you have ticked this service type, this will place you into the 'Healthcare, Hospitals' fee category, meaning that you will be charged the fee associated with the hospitals charging bands under our fees scheme (see our website, www.cqc.org.uk).

However, if you have ticked this service type, but the only, or main, activity provided at this location is one of those listed in the boxes in the form, you should **also** tick the relevant box. Selecting one of these boxes will place you in the Single-speciality services charging bands of the fees scheme (see our website as above).

If you provide other services at this location as well as Acute Services (ACS), or more than one of the activities in the list at this location, do not complete the boxes in the list.

Dental services (DEN):

If you have only one location and you provide dental services, we require information about the number of dental chairs you have at the location. This is so we can correctly calculate your annual fee, which, for single-location dental providers, is based on the number of dental chairs at the location. A dental chair is defined as 'a chair that is used for the purposes of carrying on the regulated activity of dental services'. Further information is available on our website (www.cqc.org.uk).

If you are a provider of domiciliary dental services, providing services in places such as people's homes or care homes, and you do not have dental chairs of your own, please enter '0' as the number of chairs. This will place you in the lowest fee band in the single location part of the fees scheme for dental providers.

If you are registering for more than one location, please do not complete this box.

Diagnostic and screening services (DSS):

You should only have ticked the service type of DSS if diagnostic and/or screening services are the sole or main activity you provide at this location. Please refer to page 22 of the *Guidance about compliance: Essential standards of quality and safety*.

You should not select this service type if you provide other services at this location, even if you are registering for, or are already registered for the regulated activity of Diagnostic and screening procedures

Check or tick all of the service types listed in this section that will be provided at this location.

***Agreeing to routine conditions of registration in 2.11/12/13**

Agreeing 'in writing' to routine conditions of registration can significantly reduce the

time needed for CQC to process your application. We will accept a check or tick in the relevant boxes to show that you have agreed 'in writing' to these conditions.

Where you do not agree to the 'numbers condition' or the 'no nursing condition' in respect of relevant locations, or to a 'locations condition', we will make a judgement about whether to approve your application with or without conditions of registration. Where we decide to propose conditions we will do so in formal Notices of Proposal under Section 26 of the Health and Social Care Act 2008.

Where you do not agree to conditions of registration in a Notice of Proposal you are able to make representations to us about them, and also to formally appeal to an independent tribunal if we decide to adopt our Notice of Proposal.

2.11 Condition of registration about the number of persons accommodated to receive nursing or personal care at this location

Only check or tick the box in this Section if you ticked 'Accommodation for persons who require nursing or personal care' at section 2.9 and either 'Care home service without nursing' or 'Care home service with nursing' at Section 2.10. If you did not do so, please go straight to Section 2.13.

CQC routinely agrees a condition of registration with providers of this regulated activity about the number of people who can be accommodated at each relevant location. This condition is called the 'numbers condition'. There is more guidance about this in on our website.

The numbers condition says:

'The number of persons accommodated to receive nursing or personal care at this location must not exceed [number]'.

CQC will contact you if we decide we cannot agree to your proposed number for this condition.

Please check / tick the box in Section 2.10 to show that you agree to the 'numbers condition', using the number you proposed in Section 2.2. You must do this in the application form location section(s) for each location that will provide 'Accommodation for persons who require nursing or personal care'.

If you did not check / tick the 'Care home service without nursing (CHS)' at section 2.10 please now go straight to Section 2.13.

2.12 Condition of registration about not providing nursing care at this location

Only check / tick the box in this section if you checked / ticked 'Accommodation for persons who require nursing or personal care' at section 2.9 **AND** 'Care home service without nursing (CHS)' at section 2.11. If you did not do so please go straight to section 2.13.

CQC routinely agrees a condition of registration with providers of the regulated activity 'Accommodation for persons who require nursing or personal care' who also check / tick the 'Care home service without nursing' (CHS) service type at Section 2.11.

The condition makes it a legal requirement that that they must not provide nursing care at the relevant location(s). This condition is called the 'no nursing condition'.

The no nursing condition says:

'The provider must not provide nursing care under the accommodation for persons who require nursing or personal care regulated activity at this location'.

Please check / tick the box in Section 2.12 to show that you agree to the 'no nursing condition'. You must do this in the application form location section(s) for each location that will provide a Care home service without nursing.

2.13 Condition of registration about the Regulated Activity(s) at this and other locations

CQC routinely agrees conditions of registration with providers about the locations where each regulated activity will be carried on at or from. This condition is called 'location condition'. There is more information about this in guidance you can read on our website.

The locations condition says:

This Regulated Activity may only be carried on at or from the following locations:

<First location>

<Second location> (if there is one)

(and so on for any more locations)

The locations in this condition will be those specified in each version of Section 2 submitted with this application. The regulated activities will be the ones you specified in each Section 2.9.

Please check / tick the box in this section to confirm that you agree in writing to this condition of registration.

***2.14 Service user bands**

Please check or tick as needed to show any **additional** characteristics the people who use your service at this location may have.

***2.15 Checklist**

Use the checklist in this section to confirm that you could provide the information the law says must be available on request by CQC.

Section 3: Details about how you will provide your service

Use this section to answer the questions to describe how you will provide your service. The questions asked are the five key questions CQC now asks about providers and the services they deliver. However, as described in the guidance to Section 2.8, we need to feel confident that the inputs, processes and evidence you describe in this section will comply with the Act and regulations, and provide the outcomes described in the Guidance about compliance: Essential standards of quality and safety. If you are completing this by hand please use additional paper as necessary.

We need to know that there is evidence to support your answer to this section. Please describe the evidence you have to support each answer, and where it can be found.

Your evidence could include relevant policies, procedures, processes, contracts, and staff induction and training arrangements. Evidence must be directly relevant to the topic, and help us to assess whether you are or will be compliant with the relevant regulations.

You should cross-refer to answers in other parts of the form where relevant.

Your answers should satisfy us that the five key questions we ask about providers and their services are going to be addressed: -

- **Are they safe?**
- **Are they effective?**
- **Are they caring?**
- **Are they well-led?**
- **Are they responsive to people's needs?**

In answering these questions it is important that you are able to demonstrate how the requirements of the Health and Social Care Act 2008, and associated regulations will be met. In particular, the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009.

Part B. NHS Provider Licence issued by Monitor:

All the questions in this part of the application form refer to “you”/“your” – this is intended to refer to the licence applicant provider. Where we refer in the application to “specified” details, this is as specified in the licensing guidance on Monitor’s website.

You must check/tick the box on the form to confirm that you have read the licence application guidance published on Monitor’s website at www.monitor.gov.uk/licence before continuing with this part of the application form.

You must also confirm whether (a) you will be including additional documents to your application to help you respond to this part of the application form and (b) that if Monitor has asked you to fill in and return an additional appendix, you have done so.

All questions marked with an * in this part of the application form **MUST** be completed.

Section 1: Provision of health care service(s) for the purposes of the NHS

In this section, we will ask you to provide information about the type of health care services you provide. This information is relevant to the question of whether or not you provide health care services for the purposes of the NHS.

***1.1 Do you provide health care service(s) for the purposes of the NHS?**

***1.1.1 Do you provide health care service(s) for the purposes of the NHS through a contract directly with a Clinical Commissioning Group and/or NHS England?**

The 2012 Act requires every provider that provides a health care service for the purposes of the NHS to hold a licence unless they are exempt.² You can be a provider of health care services for the purposes of the NHS if you provide services as a contractor commissioned directly by a Clinical Commissioning Group (CCG) or NHS England. This also applies if you provide services as a subcontractor. Please let us know if you provide services directly through arrangements with a CCG, or NHS England, or if you provide services as a subcontractor. For guidance on what it means to be a provider of NHS health care services, please see the [*Exemptions Guidance*](#).

***1.1.1.1 Do you provide any health care service(s) for the purposes of the NHS through a multi-party contract with Clinical Commissioning Group(s) and/or NHS England and other provider(s)?**

In this question, we ask you whether you are providing NHS health care services through a contract with Clinical Commissioning Group(s) and/or NHS England when there may be one or more other providers who are a party to that contract.

***1.1.2 Do you provide health care service(s) for the purpose of the NHS through an arrangement with another provider?**

NHS health care services can be provided through an arrangement with another provider. If you provide health care services through an arrangement with another provider, such as subcontracted services, you need to consider if you are required to hold a licence independently.³ For information on the definition of a provider for the purposes of working out if you may be required to hold a licence, please refer

² The 2012 Act, ss. 81-83.

³ *The National Health Service (Licence Exemptions, etc.) Regulations 2013*, reg.2(5).

to the [Exemptions Guidance](#).

Section 2: Requirement for Licence: Applicable Licence Exemptions

In Part B Section 2, we ask for information which will allow us to assess whether or not you might be exempt

If you submit an application, and we assess, based on the information provided, that you are exempt from the requirement to hold a licence, we will not consider your application further. In some circumstances, we may contact an applicant to state that we are unable to consider the application. This could be because the answers given under Part B Section 2 of the application demonstrate that the provider is exempt, or because of inconsistencies within the application. An applicant will be advised as to how to proceed if this is the case.

It remains the provider's responsibility to ensure compliance with all the legal rules of the licensing regime, including compliance with the requirement to hold a licence if applicable. If you fail to obtain a licence when you are required to do so, you will be acting in breach of legal rules and you could be subject to enforcement action including, potentially, a fine.

Assessing if an exemption applies

The exemptions to the requirement to hold a licence are explained in the Exemptions Guidance. It is the responsibility of providers, taking independent advice if necessary, to check if a licence is required in their particular circumstances. Monitor can take enforcement action as described above against providers who do not hold a licence when required to do so.

The following are NOT required to hold a licence:

- NHS trusts;
- providers who are not required to register with the CQC;
- providers of primary medical and dental services;
- providers of NHS continuing health care and NHS-funded nursing care; and
- small providers of NHS health care services, whose annual applicable turnover from the provision of NHS services is less than £10 million.

However, all providers of Commissioner Requested Services will be required to hold a licence, even if they are otherwise exempt.

If you cease to qualify for an exemption, you must obtain a licence. For guidance on the time frame which applies when an exemption ceases to be available, see the [Exemptions Guidance](#).

The exemptions to the requirement to hold a licence as set out below. For guidance to help you work through the exemptions and assess whether you are exempt, or will need to apply for a licence, please see the [Exemptions Guidance](#).

***2.1 Do all of the health care services you provide for the purposes of the NHS fall into one or more of the categories below?**

- **Primary Medical Services**
- **Primary Dental Services**
- **NHS Continuing Healthcare**
- **NHS funded nursing care**

***2.1.1 Please indicate which of the following health care services you provide for the purposes of the NHS:-**

- **Primary Medical Services**
- **Primary Dental Services**
- **NHS Continuing Healthcare**
- **NHS funded nursing care**

1.4. Providers of either primary medical services or primary dental services are exempt from the requirement to hold a licence. Primary medical and dental services are those provided under Part 4 and 5 of the NHS Act 2006, known as General Medical Services (GMS), Personal Medical Services (PMS), Alternative Provider Medical Services (APMS) and General Dental Services (GDS).

1.5. Providers of nursing care, defined as providing either NHS continuing health care and NHS-funded nursing care, will not be required to hold a licence.

1.6. This exemption is set to expire on 31 March 2015. Before that point, the Department of Health will review the exemption and determine whether it should continue.⁴

1.7. For guidance which will assist you in understanding whether you are a provider of NHS primary medical or dental services, NHS continuing health care or NHS-funded nursing care, please see the [Exemptions Guidance](#).

In Question 2.1, we ask you to tell us whether **all** the health care services you provide for the purposes of the NHS fall under one or more of the following categories: primary medical and dental services, NHS continuing health care and NHS-funded nursing care. If all the health care services you provide for the NHS fall under one or more of these categories, please state “Yes”. Otherwise, please state “No”, for example, if you provide additional health care services for the NHS to those listed above, or if none of the health care services you provide for the

⁴ There are no such time limits applied to the other exemptions.

NHS fall under one or more of those categories.

***2.2 Is your applicable turnover for the relevant business year, £10 million or more?**

Providers are exempt if their annual applicable turnover from the provision of NHS services is less than £10 million. To qualify for this exemption, the provider's applicable turnover for the last business year in which turnover figures are available, must be less than, or reasonably expected to be less than, £10 million.

For guidance on the definition of applicable turnover, please see the [Exemptions Guidance](#). In particular, please note that the applicable turnover **excludes** turnover from:

- Primary medical services
- Primary dental services
- NHS continuing health care
- NHS funded nursing care

For applicants that are organisations, the applicant will be deemed to be aware that it no longer meets the criteria for this exemption on the day that its accounts for the relevant business year are signed.⁵ The exemption will be withdrawn 60 days from that date.⁶ You will need to apply and obtain a licence from us within the 60 days.

***2.3 Do you provide healthcare services for the purposes of the NHS that are designated as Commissioner Requested Services?**

***2.3.1 Please provide a list of all commissioners you provide Commissioner Requested Services for with the specified details.**

Commissioner Requested Services are services which NHS England or commissioners may determine as requiring additional regulation in order to protect the interests of patients who use those services in the event that the provider gets into financial difficulty. Services are designated as Commissioner Requested Services based on guidance from Monitor. If commissioners have designated any of the services you provide as Commissioner Requested Services, then you are required to hold a licence even if you are otherwise exempt from that requirement⁷. Commissioners will be able to use a [form developed by Monitor to complete their Commissioner Requested Services designations](#). This form will then be used to formally notify you and us of the designation.

⁵ *The National Health Service (Licence Exemptions, etc.) Regulations 2013*, paragraph 8(4).

⁶ *The National Health Service (Licence Exemptions, etc.) Regulations 2013*, paragraph 8(5).

⁷ *The National Health Service (Licence Exemptions, etc.) Regulations 2013*.

If you are exempt from the requirement to hold a licence and you subsequently contract to deliver any Commissioner Requested Services, it is your responsibility to apply for a licence. You have a maximum of 60 days from the point at which you are notified of such a designation to obtain a licence. Should you fail to do so, we can take enforcement action against you.

Where we receive an application under these circumstances, we will first confirm with the relevant commissioner(s) that such a designation exists. We ask you to forward us, as an appendix to your application, the designation notification you have received from your commissioners. This should be sent to crs@monitor.gov.uk. When completing your application, you will also be prompted at the start to confirm that you have submitted an appendix to your application. You should confirm that you have done so and then progress normally with your application. Should we require any additional information to consider your application under the above circumstances, we will contact you as soon as possible to discuss our requirement.

We will aim to complete the review of your application within a reasonable timeframe to ensure that you are able to have a licence in place within 60 days. However, should you delay your application to us, if we need additional information and/or require longer to review your application, this may impact the time we take to make our final decision.

If you are notified that one or more of your services have been designated as Commissioner Requested Services and this notification happens after you have submitted your application to us, but before we have issued a licence or a Notice of Refusal, you will need to amend your application.

If, after we have issued a licence to you, you are notified by your commissioner that your services have been designated as Commissioner Requested Services, please let us know as soon as possible.

Information about Commissioner Requested Services contracts

In question 2.3.1 we have requested information about the contracting arrangements under which you provide Commissioner Requested Services. We need this information to reconcile a provider with a commissioner who has designated the services as Commissioner Requested Services.

In response to question 2.3.1, please provide:

- the name of the commissioners you provide Commissioner Requested Services for (eg, NHS Barnet CCG);
- your contract reference (this can be a reference number or the name that appears on the contract documentation);
- a short description of the services and value of the contract;
- the contract start date;
- contract end date; and
- name of the parties to the contract.

Where a company provides a number of different NHS services, more than one exemption may apply. Therefore, you should consider whether or not an exemption applies by reference to each NHS service provided. For example, a provider of primary care services, sexual health and community services would not be required to hold a licence in respect of the primary care services provided under Part 4 and 5 of the 2006 Act. That provider may be required to hold a licence for the other services it provides. However, if the income (calculated in terms of applicable turnover) is less than £10 million annually, then the provider will not require a licence.

All exemptions (except for NHS trusts) are conditional on providers complying with requests from Monitor for any information we consider necessary or expedient to have in order to perform our regulatory functions⁸.

Section 3: Licence: Licensing Grant Criteria

In Part B Section 3 of the application, we need to ask for information which will allow us to assess if you meet Criteria 1 and 2 and therefore whether we can grant you a licence.

Criterion 1: CQC Registration

If an applicant is, in providing a health care service for the purposes of the NHS, carrying on a regulated activity, the applicant must be registered with the CQC in respect of that regulated activity. Therefore, we must consider whether or not an applicant who is required to be registered with the CQC – because it is carrying out a regulated activity – is in fact registered. This will be confirmed with the CQC on the basis of the information provided in the first part of the application form.

A provider who is not required to register with the CQC may still be required to hold a licence. Where the provider does not provide an activity which is regulated by the CQC, but provides services which have been designated as Commissioner Requested Services, that provider will still be required to hold a licence. A provider who is not required to register with the CQC will still have to satisfy Criterion 2.

Criterion 2: Provider Fitness

The second criterion we must consider is whether or not the provider of health care services for the purposes of the NHS is fit to hold a licence.⁹ The criterion sets out the definition of unfit persons, and describes how these are to be applied to assess the fitness of applicants.

The definition of unfit persons is set out below.

⁸ See *The National Health Service (Licence Exemptions, etc.) Regulations 2013*, reg.9(4).

⁹ *The National Health Service (Approval of Licensing Criteria) Order 2013*, Schedule 1, paragraph 2.

Applications from those who are not individuals, including companies and other entities (legal persons)

Where the provider is not an individual, such as a company or other entity, we must consider that provider's fitness by reference to:

- all its directors (if any) and all its governors (if any), none of whom must fall within the definition of individual unfit persons; and
- all its corporate directors (if any) in the following way:
 - the corporate directors, none of whom must fall within the definition of corporate unfit persons (note that this definition includes reference to parent bodies of such corporate directors if any); and
 - the individual directors or governors of that corporate director, and of any parent body of that corporate director, none of whom must fall within the definition of individual unfit persons; and
- all those performing equivalent or similar functions to directors or governors (if any) as described below.

In determining whether you have a "corporate director" for the purpose of licensing, the definition of a "corporate director" here is a director which is a corporate body. An organisation may decide to appoint a corporate body as a director instead of an individual (natural person) Hence, a corporate director is not a natural person, instead it is a corporate body holding the position of director.

***3.1 Please provide below the required details for all directors, governors and those performing equivalent or similar functions of :**

- **your organisation (which is applying for a licence)**
- **your corporate director(s) (if applicable)**
- **the parent body (bodies) of all your corporate director(s) (if applicable)**

We ask you to list all the directors, governors and those performing equivalent or similar functions. You should provide the name and date of birth for each individual for each of the relevant bodies: the applicant, any corporate director(s) of the applicant and any parent(s) body (bodies) of all the corporate director(s) of the applicant (if applicable).

Directors and governors

When determining who are the directors, governors or those performing

equivalent or similar functions, to whom the individual fitness test apply, you should consider the following guidance.

The regulations define “director” as including “any individual who performs the functions of ... a director of an NHS Foundation Trust ... or of a company registered under the Companies Act 2006.” Therefore those who have been formally appointed as directors of registered companies are directors for the purpose of this criterion.

The regulations define “governor” as including any “individual who performs any of the functions of ... a governor of an NHS foundation trust, as conferred by any enactment”. Therefore those who have been formally appointed or elected as governors of NHS foundation trusts are governors for the purpose of this criterion.

The regulations provide that any individual who performs any of the functions of, or equivalent or similar to, the functions of “director” and “governor”, includes a partner in a partnership¹⁰.

Those performing equivalent or similar functions to directors or governors

In responding to all the questions in 3.1, it is the responsibility of providers to consider whether they have within their organisations any people who are performing equivalent or similar functions to directors or governors. We will accept the responses of providers unless alerted to information indicating that these responses need to be queried further or challenged.

In considering this point, providers should have in mind, as described in the explanation of the regulations¹¹, that the aim of this part of the regulations is to include within the fitness test those other than actual directors or governors who are involved in overseeing the provider organisation and thus influencing the provision of health care services by that provider in a comparable way to directors and governors.

Providers should consider this point by taking into account all the relevant facts and circumstances in the round. In each case, the role performed by the relevant person must be considered in the context of the governance of your organisation given its size, operations and financial status. The focus of any assessment must be the substance of the role performed by the relevant person and not their job title alone. Set out below is a non-exhaustive list of considerations for this assessment by reference to the roles of actual directors and governors.

If a person holds themselves out as a director, and carries out the role of director even if not formally appointed as such, that person is to be regarded as performing functions of, or similar or equivalent to, a director. This position is consistent with that taken under the Companies Act 2006, which defines the

¹⁰ The National Health Service (Approval of Licensing Criteria) Order 2013, Schedule, paragraph 2.

¹¹ See Explanatory Memorandum to The National Health Service (Approval of Licensing Criteria) Order 2013.

expression “director” as including “any person occupying the position of director by whatever name called”¹².

We consider that the following can be indicators that a person may be regarded as performing a function equivalent or similar to a director:

- the person presumes to act as if he/she were a director; and/or
- the person is either solely directing the affairs of the company, or he/she has a predominant influence and force with respect to those affairs; and/or
- the degree of his/her involvement with the management of the company is at least equivalent to that of the named directors; and/or
- the functions performed are ones that would generally be undertaken by a director, rather than a manager or other employee below board level; and/or
- the person is not accountable to others in their organisation, other than at board level, for their decisions.

A person in accordance with whose directions or instructions the directors of a company are accustomed to act, referred to as a “shadow director”, will also be considered to be a person performing functions of, or similar or equivalent to, a director.

To assess whether someone is performing equivalent or similar functions to an NHS foundation trust governor, providers should have regard to governors’ statutory functions and consider whether they have a person other than an actual director or governor performing such functions.

NHS foundation trust governors perform a range of functions, prescribed by statute¹³, and these include the following:

- appoint and, if appropriate, remove the chair of the board of directors;
- decide the remuneration and allowances and other terms and conditions of office of the chair and the other non-executive directors;
- approve (or not) any new appointment of a chief executive; and
- approve an application by the trust to enter into a merger, acquisition, separation or dissolution.

Given the relatively unique combination of functions of foundation trust governors, when considering if someone performs equivalent or similar functions to their statutory functions, providers should consider the role that such functions enable governors to play in the governance of their organisations, including in relation to strategic, operational, regulatory or financial matters.

¹² Section 250.

¹³ NSH Act 2006, as amended by the 2012 Act, Section 56(A); Schedule 7, paragraphs 17-18.

Questions 3.2 to 3.4.1; detailed questions on provider fitness.

Where the provider is a company or other entity i.e. not an individual, that provider's fitness must be considered by reference to:

- all its directors (if any) and all its governors (if any), **none** of whom must fall within the definition of individual unfit persons as set out in the application form under question 3.2 (i) to (v); and
- all its corporate directors (if any) in the following way:
 - the corporate directors, **none** of whom must fall within the definition of corporate unfit persons as set out in the application form question 3.3.2 (i) to (iv) (note that this definition includes reference to parent bodies of such corporate directors if any exist); and
 - the individual directors or governors of that corporate director, and of any parent body of that corporate director, **none** of whom must fall within the definition of individual unfit persons as set out in the application form questions 3.3.1 and 3.4.1 (i) to (v).

Reference above to directors and governors also covers all those performing equivalent or similar functions to directors or governors (if any) as described under question 3.1 above.

An answer of "Yes" to any of the following questions in the form will indicate that the provider does **not** meet the fitness criteria required for granting a licence:

- questions 3.2 (i) to 3.2 (v)
- questions 3.3.1 (i) to 3.3.1 (v)
- questions 3.3.2 (i) to (iv)
- questions 3.4.1 (i) to (v)

Section 4: Additional Information Request

This information relates to the provision of Commissioner Requested Services (CRS).

*4.1 Do you have an Ultimate Controller (s)?

An ultimate controller is any body that could instruct the licensee to carry out particular actions so long as that body cannot be required to act in accordance with the instructions of another. In practice, the ultimate controller would usually be the parent company of a subsidiary company, where it is the subsidiary company that has been licensed by Monitor. If there is no body that can instruct

the licensee in this way, then the licensee does not have an ultimate controller.

Where a licence holder has an ultimate controller, it will be required to put in place a legally enforceable agreement with their ultimate controller called an ultimate controller undertaking. An ultimate controller undertaking is a regulatory instrument designed to prevent parent companies from taking actions that would cause a licensee to breach its licence. The agreement between the licensee and the ultimate controller would require the ultimate controller to refrain from taking any action that would cause the licence holder to breach its licence obligations.

It may be unusual for a provider to have more than one ultimate controller. However, if you consider that you have two or more ultimate controllers, please provide the specified details for all of them.

If you answer “Yes” to this question please provide: name of Ultimate Controller(s); Company Registration Number(s) (if applicable); website address(es); key contact(s) at Ultimate Controller(s), job title, first name, last name, address for correspondence, email address, and business telephone.

***4.2 Have you previously held an NHS Provider Licence?**

***4.3 Have you ever made an application for an NHS Provider Licence that was refused?**

***4.4 Have you ever made an application for an NHS Provider Licence that you withdrew before Monitor made its decision as to grant or refusal?**

You need to tell us if you have previously held, or applied for, a licence. If so, please provide the name of the licence holder, the licence number, and the date the licence was granted or refused. If the application was withdrawn before a decision to grant or refuse was made by us, please state the applicant name, the date of the application and the reason why the application was withdrawn.

Section Two: Application declaration

General

You must fill in an answer to every field marked with an asterisk (*).

All applicants must sign the declaration.

The declaration MUST be signed by an individual duly authorised by the organisation to sign the declaration.

All organisations should have a key contact (see Section 1 Question 1.2 of the application form). This is a person who will act as the main contact with us. The key

contact must be a person who has the authority to complete the application and we can contact if we need further clarification or information relating to your application.

Please carefully read the declaration before signing it to ensure what you are committing to by signing it

Declaration

The person who is submitting an application must sign the declaration on the application. If you are submitting the application electronically we will accept a typed-in name as a signature. This person (i.e. the key contact), who has been duly authorised to submit the application on behalf of the organisation, must make the required declaration.

Pursuant to the declaration, the key contact must:

- acknowledge that he/she has the authority to submit the application.
- confirm that the information provided on the application is accurate, complete and not misleading, to the best of the applicant's knowledge and belief at the time of entry.
- undertake that where information which has been entered on the application is no longer accurate, complete and misleading, they will provide updated information, which is accurate, complete and not misleading, to CQC and Monitor promptly; and
- acknowledge that Section 37 of the Health and Social Care Act 2008 makes it an offence to knowingly make a statement which is false or misleading in a material respect in this application for a registration with CQC, or in any of the documents submitted with the application and understand that to knowingly make a false declaration could render you liable to prosecution and could lead to the refusal of this application.
- confirm that it is their responsibility to inform the Care Quality Commission of any information that is relevant to the application for a registration and that may not have been requested, and to update this information accordingly (and to keep a copy of all the information submitted in your application for your records).
- understand that if you change your postal or email address for service of notices and delivery of other documents you must update the relevant part of your Statement of Purpose, notify CQC and Monitor about the change and supply a copy of the amended Statement of Purpose to CQC.
- When applying for a registration with the Care Quality Commission, agree to comply with the Health and Social Care Act 2008 and associated regulations, and have regard to CQC's '*Essential Standards of Quality and Safety: Guidance about Compliance for Providers.*'
- agree that once registered, you will inform the Care Quality Commission (as appropriate) if there are any changes to compliance with the above Acts and any regulations. You must acknowledge that you understand that non-compliance with the relevant legislation could lead to the refusal of this application for registration if you do not comply once registered.

By submitting this application the organisation agrees that the information contained in the form may be used as conditions of registration.

We may share the information you provide on the application with other regulators and public bodies.

If any of the information you have provided changes prior to your receiving a Notice of Decision or Notice of Proposal pursuant to this declaration, you must inform us as soon as reasonably practical.

You must also check/tick the box on the declaration reproduced below to confirm the appropriate submissions relating to registered managers.

Please check or tick this box to confirm that the appropriate number of registered managers have also submitted applications for registration with CQC	<input type="checkbox"/>
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CQC registration

The declaration asks you to formally confirm certain important pieces of information and informs you of your continued obligations if you are registered.

Before you sign the declaration you should refer to the Health and Social Care Act 2008 and the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010, and the Care Quality Commission (Registration) Regulations 2009. The Act and regulations set out the legal obligations on a provider registered to provide regulated activities. You must be sure you have understood their requirements, and be confident that you can and will meet them.

The 'Guidance about compliance: Essential standards of quality and safety' shows providers how the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 can be met.

You may decide to comply with relevant regulations in another way. If you do you should explain how and why you comply with the relevant regulation(s) in the appropriate part(s) of this application form, and provide evidence where necessary about how your alternative approach will be just as or more effective in making sure that the regulations are met.

You must have regard to Regulation 26(1) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010, which requires registered persons to have regard to the Guidance about Compliance.

You must declare compliance with all of the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 in relation to the regulated activities you will carry on at this location.

The application ends with a checklist you can use to make sure that all required enclosures and additional sections are included with your application, and the address it must be sent to.

If you do not submit all required forms and information, your application will be returned to you.

You can read more about applying for registration on our website www.cqc.org.uk. If you have any questions you can call our National Customer Service Centre on **03000 616161**.

How to submit the application and accompanying documents

Please submit the application for registration and for an NHS provider licence to the **Care Quality Commission**, making sure that all required additional forms and documents are included.

The checklist below lists the CQC documents that you need to include with the application:

Form or document
Statement of purpose
Additional nominated individual sections as needed
Additional location sections as needed
Registered manager application forms

Where to send the application:

You should wherever possible email your completed form(s) and accompanying documents to: HSCA_Applications@cqc.org.uk

You must attach all the forms and documents to the same email. If you are unable to send us your application by email you should print and sign your completed form(s) and post them with any accompanying documents in the same envelope to:

CQC HSCA Registrations
Citygate
Gallowgate

Newcastle upon Tyne
NE1 4PA

Please ensure you have completed, in full, both Part A (registration) and Part B (NHS provider licence). If you do not submit all required forms and information your application will have to be returned to you.

You can read more information on our website www.cqc.org.uk or call our National Customer Service Centre on **03000 616161**. For enquiries regarding the NHS provider licence, please contact Monitor's enquiries team on **020 3747 0606**. You can also find further information on the NHS Provider Licence on Monitor's website www.monitor.gov.uk.

Next Steps

Once you have submitted this application you will receive an acknowledgement of receipt.

If CQC and Monitor are satisfied that the applicant meets the criteria for registration under section 11 of the Health and Social Care Act 2008 and licensing under section 86 of the Health and Social Care Act 2012, we will, as soon as reasonably practicable, grant the applications for both a CQC registration and an NHS provider licence and advise you accordingly.

If you need subsequently to amend any details of your application (before you received notification of the above decisions), please send us the full details of the requested amendments. You should be aware that amendments to applications can cause delay. Depending upon the changes you wish to make we may ask you to complete a new application for us. We will then process your amended application.

Withdraw an application

If at any point in the application process, you want to withdraw your application, you will need to confirm this in writing either by email to HSCA_Applications@cqc.co.uk or by post to:

CQC HSCA Registrations
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

You must include the reasons why you are withdrawing your application. If you withdraw your application this may lead to further information requests and/or action from us if, for example, we consider that you may not be exempt from the requirement to register or hold a licence.

Representations and appeals

CQC will refuse an application for registration where the registration grant criteria are not met.¹⁴ Equally, Monitor will refuse an application where the licence grant criteria are not met. In such cases you will receive from either CQC or Monitor (whichever is relevant) a Notice(s) of Proposal to Refuse (including the reasons) and this will specify the period within which you may make representations with respect to the above Notice(s). This period will be no less than 28 days.¹⁵

CQC or Monitor may not accept your representations, or your representations may not be made within the allocated period of time. In such cases you will receive from either CQC or Monitor (whichever is relevant) a Notice of Decision to Refuse (including the reasons). This will specify the period within which you may appeal against the Notice of Decision(s). This period will be no less than 28 days.

The Notice(s) of Decision will explain the right of appeal.¹⁶ Your appeal must be made to the Care Standards jurisdiction of the First-tier Tribunal, which is an independent tribunal.¹⁷ Appeals may be made based on errors of fact, errors of law or on the unreasonableness of a decision.

More information on the First-tier Tribunal will be available if required. The tribunal service's address is:

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

Additional Information Request – Licensing only (advance indication of request once licence is granted)

If a licence is granted, you will be asked to send us additional information within one month of this grant, via a provider portal. The information sought will include financial information, the nature of your contractual arrangements, compliance with CQC conditions as well as information regarding Commissioner Requested Services, if relevant.

Information to be provided by all licensed providers

1.1 The value of your applicable turnover and total turnover in £ for the relevant business year.

¹⁴ The 2012 Act, s.87.

¹⁵ The 2012 Act, s.90.

¹⁶ The 2012 Act, s.91(2).

¹⁷ The 2012 Act, s.91(2).

The definitions of “applicable turnover” and “relevant business year”, for the purpose of this calculation, are the same as used in relation to the *de minimis* exemption to the requirement to hold a licence. These are set out in Section 8 of the [Exemptions Guidance](#).

Total turnover is the total turnover of the provider in the last relevant business year.

We require this information to understand what proportion of the provider’s turnover is derived from the provision of NHS health care services.

Information to be provided only by providers of Commissioner Requested Services

We require information about the value and nature of CRS as well as the way in which they are delivered. We seek information, in particular, on whether or not CRS are provided by prime contractors or subcontractors as well as the information regarding who has commissioned CRS. We also seek information regarding the financial position of providers of CRS.

2.1 The list of services designated as CRS in the specified format.

You need to provide us with a list of all the services you provide which have been formally designated by a commissioner as CRS.

2.2 The value in £ of the CRS you have been contracted to deliver by commissioner at the time you submit this information to Monitor.

In response to question 2.2, state the annual contractual value of the CRS which you have been contracted to deliver. This information should be current, i.e. the annual contractual value as at the date the information is submitted.

2.3 If you are providing health care services to the NHS as a prime contractor, have you entered into sub-contracting arrangements with one or more other providers for them to provide part or all of these services?

If the answer to this question is yes, you will be required to provide further information (see question 2.4 below).

2.4 If you are providing Commissioner Requested Services as a prime contractor, have you entered into sub-contracting arrangements with one or more other providers for them to provide part or all of these services? If so, please provide the specified details.

In response to question 2.4, providers of CRS should state:

- the contract reference (this can be a reference number or the name that appears on the contract documentation);
- the name of the commissioner the CRS are provided for;
- the list of CRS in the contract;

- whether the CRS is fully or partly delivered through a sub-contracting arrangement with other providers; and
- the name of the providers who are sub-contracted to deliver these CRS.

2.5 Ultimate Controller declaration in accordance with the requirements of Condition CoS4 of the NHS Provider Licence.

Under Continuity of Services licence condition 4, a CRS provider who has an ultimate controller must provide an undertaking declaration from its ultimate controller. We will provide a template for the undertaking.

2.6 Last available credit rating (if you have one).

Please provide your latest credit rating, as well as the date of that credit rating, if you have one. If you do not already have a credit rating, you do not have to provide this information. We will publish further information relating to credit ratings in 2014.

2.7 Information relating to your transactions.

2.8 Information relating to your financial plans.

2.9 Last full set of annual report and accounts.

We will request routine information about your planned transactions, as well as about your financial planning generally.

Annex A: Associated documents

[The Health and Social Care Act 2012](#)

[The Health and Social Care Act 2008](#)

[The National Health Services Act 2006](#)

[The Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2010](#)

[The National Health Service \(Approval of Licensing Criteria\) Order 2013 and Explanatory Memorandum](#)

[The National Health Service \(Licence Exemptions, etc.\) Regulations 2013 and Explanatory Memorandum](#)

[*Protecting and promoting patients' interests: Licence exemptions: guidance for providers*](#) (Department of Health document)

Care Quality Commission publications:

See CQC website for further information.

Monitor publications:

[*Enforcement Guidance*](#)

[*The new NHS provider licence*](#) and its annex [*NHS provider licence standard conditions*](#)

[*Guidance for commissioners on ensuring the continuity of health care services*](#)

[*Risk assessment framework: addendum for assessing risk at independent providers of Commissioner Requested Services*](#)

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