

How to apply to cancel the registration for:  
**A regulated activity or all regulated activities**

Guidance for registered providers and managers

**June 2016**

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## Introduction

This guidance is for all registered providers and registered managers to help you to understand how to cancel a regulated activity or all regulated activities under the Health and Social Care Act 2008 (as amended) (referred to in this guidance as “the Act”).

It covers the cancellation of a:

- Regulated activity by a provider or manager
- Registered manager registration
- Registered Provider registration

for:

- Adult social care providers
- Independent health care providers
- Health service body providers (such as NHS trusts and NHS foundation trusts).

It gives an overview of:

- The cancellation system
- What you need to do to apply for a cancellation.

## Background to the registration system

1. The Health and Social Care Act 2008 introduced a new, single registration system that applies to all health and adult social care services.
2. Section 19(1) of the Act gives details of the need to apply to cancel a registration by both the service provider and the registered manager of any regulated activity.
3. Section 19(2) and (3) of the Act outlines the situations when the service provider and registered manager are not allowed to make an application to the Care Quality Commission to cancel their registration.

## General guidance

<b>1. Which forms do I have to complete for a cancellation?</b>	<p>You will need to be clear about the type of cancellation you intend to make. There are several forms available on the website along with this guidance:</p> <ul style="list-style-type: none"><li>• Application by a service provider: ‘Application to cancel one regulated activity’</li><li>• Application by an existing registered manager: ‘Application to cancel one regulated activity’</li><li>• Registered manager only: ‘Application to cancel registration to manage all regulated activities’</li><li>• Service provider only: ‘Application to cancel all regulated activities’.</li><li>• Registered manager only: ‘Application to continue registration as a manager under a new provider’.</li></ul> <p>It is important that the correct person completes these forms.</p> <p>If the cancellation of regulated activity(ies) results in the closure of any of your locations, you should also provide the relevant information in the form.</p> <p>Please note that where a provider’s registration is cancelled in respect of any regulated activity(ies), relevant registered managers managing the activity(ies) concerned will have their registrations cancelled by CQC. In this situation, relevant registered managers will receive a letter notifying them that their registration in relation to the particular regulated activity has been cancelled without having to submit an application.</p> <p>Forms are on our website here: <a href="http://www.cqc.org.uk/organisations-we-regulate/registered-services/making-changes-your-registration">http://www.cqc.org.uk/organisations-we-regulate/registered-services/making-changes-your-registration</a></p>
<b>2. Why do I need to complete a form to cancel my registration for one regulated activity?</b>	<p>The Health and Social Care Act 2008 (as amended (‘the Act’) changed the way that we register those who are providing and managing health and social care services.</p> <p>Under the Act, providers are registered in respect of each regulated activity that they carry on. If we approve your application to cancel, we will issue you with a Notice of Decision and, if appropriate, a new certificate of registration.</p> <p>Therefore if you decide to stop carrying on one regulated activity for which you are registered, this requires one cancellation to be made.</p> <p>If you are only registered for one regulated activity, you should use the form ‘cancellation of all regulated activities’ as this is a whole cancellation.</p>

<p><b>3. If the cancellation results in the need to remove a location, do I have to complete another form?</b></p>	<p>No. If the cancellation of regulated activity(ies) results in the closure of any of your locations, you should also provide the relevant information in the cancellation form.</p> <p>Where a manager’s registration includes the location, we will remove the location from their registration and issue a new certificate.</p> <p>Please note: if you cancel the entire registration as a service provider, all the associated locations will be closed. This will also result in the registration of any registered manager for this provider being cancelled by CQC (see above).</p> <p>If the manager wants to continue to manage the same regulated activities at the location under another provider, there is a specific form they will need to use to apply to cancel their registration with one provider and apply to register as the manager with a new provider: ‘Application to continue registration as a manager under a new provider’.</p> <p>The statement of purpose must reflect this change.</p>
<p><b>4. What if I am ceasing to provide a regulated activity at only one of my locations and continuing to provide it at other locations?</b></p>	<p>This will be a variation application and not a cancellation. Because you continue to provide the regulated activity, but at fewer locations, it is the conditions under which you operate that will be changing.</p> <p>You will need to apply to vary your conditions of registration to remove the locations at which you will no longer carry on the particular regulated activities you offer.</p> <p>Where there is a variation that results in the removal of a location, and the registered manager at that location does not intend to manage the activity concerned at any of the provider’s other locations, then they must make an application to cancel their registration for the regulated activity.</p> <p>You must also change your statement of purpose to reflect this change.</p>
<p><b>5. I wish to cancel my whole registration. Do I have to complete a form for every regulated activity I provide?</b></p>	<p>No. If you are cancelling your provider registration you can complete the form entitled, “Service provider only: ‘Application to cancel all regulated activities’”.</p> <p>Once we have accepted and confirmed the application by issuing a Notice of Decision notifying you that we have granted your cancellation application, you will no longer be able to offer any regulated activities in any of the locations, as your registration to carry on all the activities will be cancelled.</p>

## Registered manager cancellation

<p><b>6. I am a registered manager and I am leaving the service provider. Do I have to cancel my registration?</b></p>	<p>You need to apply to cancel your registration. Where you are registered across more than one provider, you need to complete a separate application for each provider you are leaving.</p> <p>By law you remain legally responsible for any regulated activity being carried on at those locations until an application to cancel has been made and approved. As a result, you could still face prosecution or enforcement action in respect of that service, should this become necessary. It is your responsibility on leaving a post to ensure that your registration for it has been terminated.</p> <p>There is a specific form for managers to use when the location they manage is taken over by a new provider, and the manager wants to continue to manage the same regulated activities there under the new provider, as described above.</p>
<p><b>7. I am a registered manager and no longer wish to manage one of the regulated activities I am currently registered for. What form do I complete?</b></p>	<p>You must complete the form 'Application to cancel one regulated activity'.</p>
<p><b>8. I am a service provider and my registered manager is leaving. How long do I have to find a replacement manager?</b></p>	<p>If the service you offer is one that must have in place a registered manager as a condition of registration, we would expect you to take active steps to find a replacement once you have received notice that your current registered manager would be leaving.</p> <p>Any provider who has a registered manager condition but does not have one in place is in breach of that condition. It is an offence under section 33(b) of the Act if you fail to comply with a condition of your registration unless you have a 'reasonable excuse'. There are Frequently asked questions on our website in regard to this which can be found under 'Locations without a registered manager'.</p> <p>We endeavour to be proportionate in responding to any decision you take regarding the replacement of a manager; however the safety of the people using your services is key to this decision.</p> <p>Where there is no reasonable explanation why a registered manager is not in place, CQC will consider issuing a fixed penalty notice to the provider.</p>

## Fees

<b>9. I have just paid my annual invoice for fees. Will I get a rebate?</b>	<p>You may be entitled to a rebate on your annual fees. You must apply for a rebate by letter to our finance department. They will then calculate any rebate due to you.</p> <p>Any rebate will be calculated from the date of the service of the Notice of Decision, not from the date of your application. For example, if you back date your application to cancel, the fee calculations will be carried out by the finance department only when the Notice of Decision has been served.</p>
<b>10. I have not paid any fees this financial year. Will I have to make a full year payment?</b>	<p>No. Once the application to cancel has been processed and agreed our finance department will calculate any monies owing in respect of your registration.</p> <p>We will send a final invoice, which you must pay.</p>

## Rejection of an application to cancel

<b>11. In what circumstances will my application be rejected?</b>	<p>There are several reasons why we may reject your application, including:</p> <ul style="list-style-type: none"><li>• CQC is undertaking current enforcement or legal action in accordance with our <a href="#">Enforcement policy</a>.</li></ul> <p>Section 19 of the Health and Social Care Act 2008 prohibits you from making an application to cancel if CQC has already sent you a notice of proposal or decision to cancel.</p> <p>If you make an application that is not permitted by the legislation we will send you a letter setting out why we have rejected your application.</p>
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## Refusal of an application to cancel

<b>12. In what circumstances will my application be refused?</b>	<p>There are several reasons why we may refuse your application, including:</p> <ul style="list-style-type: none"><li>• We have evidence or information that contradicts the reasons you give for cancellation. For example, we disagree that a regulated activity is not being carried on within the service.</li><li>• We are concerned about the arrangements you have made for the people who use your services as a consequence of ceasing to provide a certain regulated activity.</li></ul> <p>If you make an application which is permitted, and after considering it we propose to refuse it, we will serve a Notice of Proposal under Section 26(5) of the Health and Social Care Act 2008 (as amended) setting out the reasons for our proposal.</p> <p>You will have the right to make representations, followed by the right to appeal to the First-tier Tribunal if we decide to adopt our proposal through issuing a Notice of Decision refusing your application.</p>
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