

Registration under the Health and Social Care Act
2008

Guide to the application process for new registered managers

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Contents

Introduction	2
1. When does a registered manager need to be in place?	3
2. Who can change the registration of a registered manager?	3
Pre-application stage	3
3. What do I need to do before submitting an application form?	3
Application stage	4
4. Which form do I need to fill in?	4
5. What happens if my application is incomplete?	4
6. Am I allowed to resubmit my application?	4
7. What other documents do I need to send with the application form?	5
8. What information do I need to include in my application if I am applying for more than one location?	5
9. What about fees?	5
Multiple locations and job-shares	6
10. If I wish to manage more than one location for the same provider, do I need to fill in a separate application for each one?	6
11. Can I apply to be registered for more than one regulated activity?	6
12. If I am in a job share post, do both managers have to apply?	6
12. If a manager is applying to manage regulated activities at different locations for more than one provider, do they have to apply separately?	7
13. Will CQC look at these applications differently?	7
Assessment stage	8
14. What happens once CQC has accepted my application as complete?	8
15. Do I need to tell CQC about any changes during the application process?	8
16. Will CQC make a visit or any interviews as part of this process?	8
17. What is the purpose of the fit person interview?	9
Outcome stage: how we make our judgements	9
18. When will my registration be complete?	9
19. When do you attach conditions to my registration and how do you use them?	9
Representations and appeals	10
20. If I do not agree with CQC's decision can I appeal against it?	10
21. Will I get a certificate?	11
Application flow chart	12

Introduction

This guidance explains the application process for new registered managers under the Health and Social Care Act 2008. A manager will be registered separately for each regulated activity they are to manage.

The guidance explains:

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

Usually there will be one registered manager for the regulated activity provided at each location. However, where a number of regulated activities are being provided, each may have a different registered manager. In other circumstances, there may be more than one registered manager at a location. We therefore explain how we will:

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

The guidance covers:

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

Main points

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

1. When does a registered manager need to be in place?

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

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

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

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

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

2. Who can change the registration of a registered manager?

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

- The manager applies to vary or cancel their registration.
- CQC imposes a variation or cancels the manager's registration. Providers cannot cancel the registration of a registered manager. Where a manager has left, and is not contactable, or refuses to cancel their registration, the provider should contact our helpline on 03000 616161.

Pre-application stage

3. What do I need to do before submitting an application form?

It is important that you obtain a Disclosure and Barring Service (DBS) check before you submit your application, as the disclosure number and date of issue are required as part of the application. The DBS check must be countersigned by CQC. We only need the DBS number, not a copy of the document itself.

Please make sure that the name in the DBS check matches the name in the application details exactly. This includes all former names and middle names. Countersigned DBS checks for registered managers and providers can be up to 12 months old. There is separate guidance on our website on how to [apply for a DBS check](#).

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

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

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

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

Application stage

4. Which form do I need to fill in?

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

If you are applying to manage more than one location, you must also complete additional location forms.

These forms are available on our [website](#). We encourage you to complete all applications electronically.

5. What happens if my application is incomplete?

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

6. Am I allowed to resubmit my application?

When you submit your application, we will check that it is complete. If it is not complete, we will return it to you.

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

Once we have accepted an application, we will begin to process it. If we need further information, we will contact you.

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

If you make changes to your application we may ask for further information. If the changes to the application are substantial, you will have to make a new application.

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

7. What other documents do I need to send with the application form?

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

The other documents listed on the application must be available to view when you are interviewed. These include:

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

8. What information do I need to include in my application if I am applying for more than one location?

You must supply information that clearly sets out the arrangements for day-to-day management of each location and how this will be achieved.

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

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

9. What about fees?

There are no fees for any application for a registered manager.

Multiple locations and job-shares

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

There is one main registered manager application form, which has space for one location only. You should therefore complete additional location forms for each extra location.

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

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

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

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

Yes, the application forms are available on our website.

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

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

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

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

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

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

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

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

If you wish to be registered with more than one provider, you need to submit a separate application for each provider.

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

13. Will CQC look at these applications differently?

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

Areas that we will consider are:

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

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

Assessment stage

14. What happens once CQC has accepted my application as complete?

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

If we identify the application as a job share, we will check that either:

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

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

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

If we need to clarify any issues, or request additional documentation in some circumstances, we are most likely to telephone you for this.

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

15. Do I need to tell CQC about any changes during the application process?

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

Please be aware that this may delay your application.

16. Will CQC make a visit or any interviews as part of this process?

Where a manager is not currently registered we will arrange a meeting or interview to assess their fitness and to look at the documents listed in the checklist on the application form. Interviews may be face-to-face or conducted over the telephone. This may be on-site or at one of CQC's regional office.

We understand that interviews can sometimes be stressful for some people, so we will make every effort to allow the interviewee to be at ease and demonstrate their abilities and experience.

Where a manager is already registered, we will judge whether we need to interview them again. We may choose to carry out a focused interview relating specifically to the change being applied for. For example, adding a new regulated activity.

17. What is the purpose of the fit person interview?

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

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

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

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

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

Outcome stage: how we make our judgements

18. When will my registration be complete?

We will make a decision on your fitness once we have completed our assessment and have made a recommendation to the regional Registration Manager.

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

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

19. When do you attach conditions to my registration and how do you use them?

A condition of registration on a registered manager may be used to restrict your activity to one or more locations, and may impose additional restrictions on your activity at any or each of those locations.

You will always have the following condition on your registration:

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

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

When we register you, we must be aware of the following factors:

- If you are not applying for all regulated activities that are being carried on at the location. If this is the case, another manager will need to be registered for any other regulated activity(ies) carried on at that same location.
- Whether the provider is still required to have a further manager for that regulated activity.

Representations and appeals

20. If I do not agree with CQC’s decision can I appeal against it?

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

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

HM Courts & Tribunals Service
Care Standards
1st Floor
Darlington Magistrates’ Court
Parkgate
Darlington DL1 1RU

Tel: 01325 289350
Fax: 01264 785013
cst@hmcts.gsi.gov.uk

What happens next?

21. Will I get a certificate?

Yes, we will issue a certificate to each manager in an electronic format, sent by email. Each registered manager has a unique number assigned to their registration.

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

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

Application flow chart

Stage 1: pre-application

- You must apply for a Disclosure and Barring Service (DBS) check through the Post Office.
- You fill in the application and declaration, including contact details for your previous employer and your doctor.
- You send in the application.



Stage 2: assessment of application

- CQC processes application.
- Application returned if incomplete.
- All applications reviewed by CQC registration teams.
- Registration teams link with local assessors/inspectors and provider relationship managers where necessary.
- CQC screens and cross-checks applications and asks for further documentation if required.
- CQC arranges a meeting/interview.



Stage 3: outcome

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



Stage 4: representations and appeals

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