

Registration under the Health and Social Care Act 2008
(as amended)

Applying to remove or vary conditions of registration (including adding or removing locations)

Guidance for registered providers and managers

January 2019

Contents

Introduction	4
Main points	5
Question 1: When does CQC apply conditions to my registration?	6
Question 2: What changes to my conditions can I apply for?	6
Question 3: Can I add a regulated activity to my registration by way of a variation?	6
Question 4: How does CQC make changes to the conditions applied to my registration?	7
Question 5: Which application form should I fill in?	7
Question 6: What do I need to do if I want to operate my service from: fewer locations, different locations, or a new location?	8
Question 7: What do I need to do if I want to inform you of a complete change of business and location address, when I am continuing to provide the same service to the same people using the service? (Domiciliary care providers only)	9
Question 8: What do I need to do if I want to amend the address of a current location due to administrative change or expansion?	10
Question 9: How do I vary part of a condition?	10
Question 10: If I have a manager with a condition on their registration, how do I get this removed?	11
Question 11: What do I do when the condition I want to vary or remove is applied to more than one regulated activity?	12
Question 12: How do you decide whether to accept my application?	12
Question 13: How do you decide whether to agree my application?	13
Question 14: How will you let me know your decision?	13
Question 15: When will the changes to registration take effect?	14
Appendix	
Standard wording used for some conditions you may see under a regulated activity	15

Update since June 2016 version of this guidance

- 5. Add - Where a partnership registered after 4 February 2013 is submitting an application to vary their condition of registration about the membership of their partnership, a single partner using the declaration on the relevant forms can sign on behalf of the other partners or organisation.
- Removed reference to pre-2013 partnerships needing to reapply for registration when partners change (January 2019)

Introduction

This guidance is for registered providers and managers. It gives you an overview of how you can apply to vary or remove a condition of registration. This includes adding or removing locations from which activities are provided.

We suggest you read other guidance alongside this:

- [Guidance for providers on meeting the regulations](#)
- [Making changes to your registration](#)

You should also read guidance that is specific to your sector. This can be found on our website [here](#).

Main points

1. As a registered provider or manager, you can apply to have a condition varied or removed.
2. It is your responsibility to provide evidence that your services can meet the needs of the people using them, that you will be compliant with relevant regulations, and that you will be able to carry on or manage the regulated activities you wish to provide successfully.
3. We will make decisions, and manage and process applications in a rigorous, consistent and lawful way.
4. We will make sure that any conditions of registration we apply or agree are consistent and proportionate; this will ensure that we do not hold back the diverse and innovative health and adult social care providers.
5. If you are applying to vary or remove only a part of a condition, it is your responsibility to clearly specify in the application the part that you are applying to have varied or removed.
6. If you are a registered manager and you are applying to remove a condition placed on your registration, you will need to provide clear evidence to support your application. You will also need to confirm that you will be able to comply with regulatory requirements without the condition.
7. When processing applications, we will use the information about why the conditions were made initially. We will assess the impact that removing or varying a condition or part of the condition would have on that service. For example, we will look at whether the application is for the:
 - Addition or removal of a location
 - Removal or variation of a condition placed on a provider
 - Removal of a condition placed on a registered manager
 - Addition or removal of a partner.

1

When does CQC apply conditions to my registration?

We will apply some conditions to providers and managers routinely. We call these 'routine conditions'. For example, we will always make the locations where you intend to carry on a regulated activity a condition of your registration.

We may also use 'non-routine conditions' where either we or an applicant identify that their ability to carry on the regulated activity is limited. For example, an applicant may tell us they will not perform surgery on children under the age of three, or that they will only accommodate 40 people.

We may also use conditions for some registered providers and managers where there is a requirement for improvements to be made to the way the regulated activity is carried on.

2

What changes to my conditions can I apply for?

You can apply to vary or remove conditions. This includes adding a location to your registration, or removing one.

You may also have conditions that were applied because you were non-compliant with the regulations. When you become compliant, you can apply to have the condition removed.

If you are making other changes, such as your business address or your contact details, you need to complete a notification form, as these are not conditions of your registration. Please see guidance for providers on notifications available at: <http://www.cqc.org.uk/content/notifications>

3

Can I add a regulated activity to my registration by way of a variation?

No. You need to complete a full application to register a new regulated activity. This is because the law requires you to register each regulated activity separately. Please see our website for guidance and application forms.

Note: You must have your application approved before you can start to provide the new regulated activity that you are applying for.

4

How does CQC make changes to the conditions applied to my registration?

There are two ways for conditions to be varied or removed:

- You can apply to us to have the condition varied or removed, or
- We can vary, remove or add conditions.

If you are applying, you need to complete the appropriate application form (see the list at 5 below).

You may need to submit supporting evidence with your application, so you should check the appropriate form for details.

We will consider removing conditions when you can show they are no longer necessary (for example, you can show that compliance has been achieved and that it can be maintained).

Some registered managers will also have conditions placed on their registration, for example, where a qualification has to be achieved within a given timeframe. Similarly, it will be appropriate for them to apply to remove this condition as soon as the qualification is obtained.

5

Which application form should I fill in?

Where a partnership is submitting an application to vary their condition of registration about the membership of their partnership, a single partner using the declaration on the relevant forms can sign on behalf of the other partners or organisation.

From 21 January 2019, all partnerships can use an add or remove partner application form to change the membership of a partnership. This includes partnerships registered prior to 4 February 2013 when CQC started adding partner names as a condition of registration.

There are eight main application forms for varying or removing conditions.

Make sure that you fill in and submit the correct form for the change you want to apply for:

- [Application from a provider to vary or remove a condition on their registration](#)
- [Application from a manager to vary or remove a condition of registration](#)

- [Application from a provider to add location\(s\)](#)
- [Application from a provider to remove location\(s\)](#)

- [Application from a manager to add location\(s\)](#)
- [Application from a manager to remove location\(s\)](#)

- [Application to add a partner](#)
- [Application to remove a partner](#)

If you are a general practitioner or in primary medical services you should use the [Provider Portal](#) to add and remove a partner.

6

What do I need to do if I want to operate my service from:

- **fewer locations**
- **different locations, or**
- **a new location?**

The locations that you are registered to operate from are listed in one condition.

You can apply to vary this condition by:

- Adding a location to this condition, or
- Removing a location.

You must have your application approved before you can start to implement the changes you have applied for. For example, you cannot start to provide a regulated activity from a new location until your application has been approved, and you have received a Notice of Decision to confirm this.

If you are adding a new location, or changing the location to another, you will need to provide us with information about this. We may need to make a visit as part of our assessment of your application. Please remember that where you are adding multiple new locations each location must be on a separate form.

If the location is being sold, you must submit an application to remove it from your registration, as you will remain responsible for it while it is part of your conditions of registration. The new provider of the location needs to register at the same time as you apply to remove your condition. Our registration teams will work with you through this process.

7

What do I need to do if I want to inform you of a complete change of business and location address, when I am continuing to provide the same service to the same people using the service? (Domiciliary care providers only)

A complete change of address but continuation of service for domiciliary care providers is when a domiciliary care provider relocates an existing location and business address to different premises, but continues to provide an identical service to the same people using the service.

Currently this distinction is only made for domiciliary care single location providers of the regulated activity of personal care because the location address is their 'office' and the regulated activity of personal care is carried out in the homes of the people using the service. In the future, this may be extended to other types of provider who have the same provider and location address but carry on the regulated activity elsewhere.

Your business address must be the same as the location address listed as a location condition of registration. There should be no other applications for changes to the registration or enforcement action outstanding.

You must submit:

- A [Statutory notification Regulation 15. Care Quality Commission \(Registration\) 2009: Changes affecting a provider or manager](#)
- An [Application to add a location to an approved regulated activity](#)
- An [Application to remove one or more locations from a regulated activity](#)
- An [Application from a manager to add location\(s\)](#)
- An [Application from a manager to remove location\(s\)](#)

If you are signed up to the CQC [Provider Portal](#) you can complete these transactions using online forms via the CQC [Provider Portal](#). If you haven't received an invitation to sign up for a portal account, please [contact us](#).

In this instance you will not be issued with a Notice of Decision. We will inform you in writing of our decision and issue an updated Certificate of Registration.

8

What do I need to do if I want to amend the address of a current location due to:

- **Administrative change; or**
- **Expansion?**

There may be times when the address of an existing location changes but you are not adding or removing a location.

- There may be an administrative change in the address when there is absolutely no change to the location or the facilities provided to people who use services, for example the name of the building changes. In these circumstances, you should submit a [Statutory notification Regulation 15, Care Quality Commission \(Registration\) 2009: Changes affecting a provider or manager](#) explaining the change. Guidance for completing statutory notifications can be found on our [website](#).

If you need to amend a location address due to an expansion, for example your address changes from 1-2 High Street to 1-4

High Street, you will need to submit an application to [Vary or remove a condition of registration to carry on a regulated activity](#) explaining the changes and the impact on people who use services. We may need to make a visit as part of our assessment of this type of application.

9

How do I vary part of a condition?

The application form helps you to do this. It asks you to state the exact words of the condition you are applying to vary.

For example, if you are registered to carry on surgical procedures and diagnostics, but have a condition placed on your registration that means you may only carry them on at one of your three locations, you would ask to add the other two locations to the condition.

In the application, you must tell us about the other locations and about your plans to carry on the regulated activities involved at those extra locations.

This would give us the information that we need to decide whether the other locations are suitable for you to provide the regulated activities you are registered to carry on.

You may not provide the regulated activity at the locations until we have approved your application.

10

If I have a manager with a condition on their registration, how do I get this removed?

A manager has their own registration. Any conditions applied to them will be placed on their personal registration.

If a registered manager wants to change the terms of their personal registration, they will need to apply to have any conditions varied or removed themselves. Their employer (the provider) cannot do this for them.

If the condition in question relates to the manager's compliance with requirements, they will need to provide evidence that the requirement included in the condition has been met.

For example, evidence that they have completed a relevant training course.

If the condition contains a restriction, for example about the location at which the manager may operate, they will need to provide evidence that the restriction is no longer appropriate. For example, if their terms of employment have changed and they are now going to manage a different service, at a different location.

Note: If a registered manager is required for either a regulated activity or at a specific location, the provider's registration will have a condition to have a registered manager. Such a condition is mandatory for certain types of service and a variation of that condition would not be appropriate unless the service changes into one that no longer requires a manager.

11

What do I do when the condition I want to vary or remove is applied to more than one regulated activity?

Each regulated activity is legally a separate registration. When you registered initially you were permitted to apply for multiple regulated activities in one application, but for all subsequent applications the regulated activities must be dealt with as separate registrations.

To simplify the process, providers and managers can use **one** form:

- Where a condition is worded exactly the same across multiple regulated activities
- If this involves closing a location
- If this includes opening a new location. However:
- Where there are different conditions for different regulated activities, these have to be identified using separate forms
- Where you have multiple conditions that are worded exactly the same across all your regulated activities, you must complete one form for each condition
- There is no fee to make a variation to your registration.

12

How do you decide whether to accept my application?

Your application must be relevant to the type of change you wish to make, and complete. For example is this to add a new location or remove a location. If it is not, we will return it to you.

We will review the application form and check the following:

- You have been clear in that it is a variation or removal of a condition
- You have filled in all parts of the form
- You have included or listed supporting information asked for
- Where a new location is to be added, you have included all relevant supporting information
- You have ensured the correct person/people signed the form. Incomplete applications or applications made using the wrong form will be returned to you.

13

How do you decide whether to agree my application?

We will:

- Review the application and any supporting information sent with it
- Review the previous decisions as to why the condition was imposed
- Request further information where required
- Complete an assessment record – this will form the audit trail of our judgments, and will form the basis of the evidence we need to justify the proposed change or removal to the conditions
- Make a visit if required (we may need to visit any additional locations).

14

How will you let me know your decision?

If we agree your application, we will send you a Notice of Decision to confirm the change.

Where we have considered an alternative approach, we will send you a Notice of Proposal. This will detail the conditions of registration that we now consider should appear on your certificate.

If we do not agree your application (including where we propose an alternative approach), we will send you a Notice of Proposal to propose refusing your application, which will detail the reasons for the refusal of your application.

You then have the right to make written representations to us about any aspect of our proposal within 28 days of receiving it.

If you make representations, we must consider them in accordance with our written representations procedure outlined in the proposal document.

Our final decision will be made when either:

- Any representations made have been considered, or
- If no representations are received, after the period during which they could have been made has expired (28 days).

Once we have finalised our decision about the conditions to be applied, we will send you a Notice of Decision.

15

When will the changes to the registration take effect?

The changes to the conditions of registration takes effect from:

- When we issue the Notice of Decision agreeing the application,
- When we receive your written confirmation that you do not intend to appeal the Notice of Decision which adopts the Notice of Proposal, or
- After the period during which you may appeal the Notice of Decision has expired (28 days).

If you decide to make an appeal to the First-tier Tribunal about our refusal of your application to vary conditions, then the changes to the registration will not take effect until the appeal has been determined or abandoned.

Appendix: Standard wording used for some conditions you may see under a regulated activity

Location	This Regulated Activity may only be carried on at the following locations: <ul style="list-style-type: none"> • location 1 <address> • location 2 <address>
Registered manager (all locations)	The registered provider must ensure that the regulated activity <regulated activity> is managed by an individual who is registered as a manager in respect of that activity at or from all locations.
Registered manager (some locations)	The registered provider must ensure that the regulated activity <regulated activity> is managed by an individual who is registered as a manager in respect of that activity at or from <location name>.
Number of people who can be accommodated (care home only)	The registered provider may only accommodate a maximum number of <number> service users at <location>.
Nursing care cannot be provided (care home only)	The registered provider must not provide nursing care under accommodation for persons who require nursing or personal care at <location name><all locations>.

Standard wording for conditions for a registered manager:

Regulated activity and location

<name>	is registered to carry on <regulated activity>
<name>	is registered to carry on <regulated activity> at location