

Registration under the Health and Social Care Act 2008

How to apply to cancel a:

- **regulated activity;**
- **manager's registration, or**
- **whole service registration**

Guidance for providers and registered managers

August 2012

Introduction

This guidance is for all providers and registered managers to help you to understand how to cancel a registration under the Health and Social Care Act 2008. It covers cancellation of:

- a regulated activity by a provider or manager;
- a registered manager's registration, and
- a provider's registration

for:

- adult social care providers
- independent health care providers, and
- NHS trusts and PCT (primary care trust) providers.

The guidance gives an overview of how we process cancellations, and what you need to do to apply for a cancellation.

Section 19(1) of the Health and Social Care Act 2008 gives details of the need to apply to cancel a registration by both the service provider and/or the registered manager of any regulated activity.

Section 19(2) and (3) of the Health and Social care Act 2008 outlines when the Care Quality Commission is unable to accept an application to cancel registration.

General guidance

1. Which forms do I have to complete to apply to cancel my registration in respect of regulated activities?

You need to be clear about the type of cancellation you want to make. There are several forms available on our website along with this guidance:

- **Service provider only:** to cancel registration in respect of one regulated activity while continuing to provide one or more other activity(ies), use the form 'Application to cancel registration to provide one regulated activity'.
- **Service provider only:** to cancel registration in respect of all regulated activities, use the form 'Application to cancel registration to provide all regulated activities'.
- **Registered manager only:** to cancel registration in respect of one regulated activity, use the form 'Application to cancel registration to provide one regulated activity'.
- **Registered manager only:** to cancel registration in respect of all regulated activities, use the form 'Application to cancel registration to provide all regulated activities'.
- **Registered manager only:** 'Application to continue registration as a manager under a new provider'.

It is important that these forms are completed by the right person.

If the cancellation of regulated activity(ies) results in the closure of any of your locations, you may also provide the relevant information in the form.

Please note that in certain circumstances, where a service provider cancels its registration in respect of all regulated activities or removes locations, the registrations of relevant registered managers will be cancelled automatically. This happens when:

- A provider cancels its registration in respect of all regulated activities, or
- A provider removes a location(s) from its registration AND the registered manager(s) for that or those location(s) does not also manage any of its other locations, and
- The location managers are not applying to continue to manage the location(s) under a new provider.

In these circumstances, the relevant manager(s) will receive a Notice of Proposal or Decision to cancel their registration without having to submit an application. This is because the law requires CQC to cancel a manager's registration where no-one is registered as provider. There is separate detailed guidance about this on our website.

Guidance for providers

2. Why do I need to complete a form to cancel my registration for one regulated activity?

Under the Health and Social Care Act 2008 (HSCA), providers are registered in respect of each regulated activity that they carry on separately. If we approve your application to cancel, we will issue you with a Notice of Decision and, if appropriate, a new certificate of registration.

Therefore, if you decide to stop providing a regulated activity but will continue to provide at least one other, you must submit an application to cancel your registration in respect of the relevant regulated activity only.

If you are only registered in respect of one regulated activity you should use the form 'Cancellation of all regulated activities'; this is the form that must be submitted by providers who will no longer provide *any* regulated activities.

3. If cancelling a regulated activity means I have to remove a location, do I have to complete another form?

No. If the cancellation of regulated activity(ies) results in the closure of any of your locations, you may also provide the relevant information in the cancellation form.

Where a manager's registration was at the location, we will remove the location from the manager's registration and issue a new certificate.

Please note: if you cancel your entire registration as a service provider, all your associated locations will be closed. This will also result in the cancellation of any manager's registration unless they apply to continue their registration to manage the location under a new provider (see above).

4. What if I am withdrawing a regulated activity at only one of my locations and continuing to provide it at other locations?

This will be a **variation application** and not a cancellation. Because you will continue to provide the activity, but at fewer locations, it is the conditions under which you operate that will be changing.

You will need to apply to vary the conditions to reflect the locations at which you intend to carry on any particular regulated activities you offer.

You must also change your statement of purpose to reflect this change.

5. I wish to cancel my whole registration as a provider. Do I have to complete a form for every regulated activity I provide?

No. If you are cancelling your provider's registration you can complete the form called 'Application to cancel registration to provide all regulated activities'.

The registrations of any managers for these locations will be automatically cancelled unless they apply to 'continue' their registrations under a new provider who is taking over these locations (see above).

Once we have accepted and confirmed this application, you will no longer be able to offer any services in any of the locations, as all the regulated activities will be cancelled.

6. My registered manager is leaving my service. How much time do I have to find a replacement manager?

This very much depends on the regulated activities you are offering and the staffing levels and management arrangements that are currently in place. You should discuss the issues with your CQC assessor/inspector to make them aware.

We try to be proportionate when responding to your decision about replacing a manager; however the safety of the people using your services is key to this decision.

We may decide to impose a condition on your registration stating a timescale for you to employ a replacement if we have any concerns, but we would hope to agree a mutual timeframe with you.

If the service you offer is one that must have a registered manager in place we expect you to take active steps to find a replacement as soon as you receive notice that your current registered manager is leaving.

Guidance for registered managers

7. I am a registered manager and I am leaving the service provider. Do I have to cancel my registration?

Where you are leaving both the provider and the locations you currently manage, you must apply to cancel your current registration.

Where you are registered across two providers, you need to apply to **vary** your registration to remove the relevant locations (only) from your registration.

This is because by law, you remain legally responsible for any regulated activity being carried on at locations included as conditions on your registration, and could still face prosecution or enforcement action in respect of that service if this becomes necessary. It is your responsibility on leaving a post to ensure that your registration is appropriately varied or cancelled.

Relevant application forms ask you to confirm that the service provider is aware you are leaving and whether there is a condition on the registration that requires a manager to be in post.

When a location is taken over by a new provider and you want to continue to manage the same regulated activities there under the new provider, you must fill in the form 'Application to continue registration as a manager under a new provider'. The form should be submitted together with the new provider's application in respect of these locations.

8. I am a registered manager and no longer wish to manage one of the regulated activities I am currently registered for. Which form do I complete?

You must fill in and submit the form 'Application to cancel registration to provide one regulated activity'.

The form will ask you to indicate that the service provider is aware you are cancelling this regulated activity and whether there is a condition on the provider's registration that requires a manager for the relevant regulated activity.

Providers - annual fees

9. I have just paid my annual invoice for fees. Will I get a rebate if I make a cancellation?

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.

Any rebate will be calculated from the date of the Notice of Decision that we send, not from the date of your application. For example, if you back date your application to cancel, our finance department will only calculate the fees when we have served the Notice of Decision.

10. I have not paid any fees this financial year. Will I have to make a full year payment?

No. Once your application to cancel has been processed and agreed, our finance department will calculate any monies owing in respect of your registration.

We will send a final invoice, which you must pay.

Refusal of an application to cancel

11. In what circumstances will my application be refused?

There are several reasons why we may refuse your application:

- We are undertaking current enforcement or legal action.
- 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.
- 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 service.

If we refuse your application, we will serve a Notice of Proposal under Section 26(5) of the Health and Social Care Act 2008 setting out the reasons for our decision.

You will have the right to make representations, followed by the right to appeal.
