



Isle of Man
Government

Reiltys Ellan Vannin



Guidance and information on making Application to register a care service

Registration & Inspection Team

July 2014

Department of Health and Social Care
Rhyenn Slaynt as Kiarail y Theay

INFORMATION FOR CARE SERVICE PROVIDERS

The Regulation of Care Act 2013 requires those who provide or manage an independent care service to be registered.

Registration is the process through which the Department decides whether those who wish to operate services for children and vulnerable adults are suitable to do so, and whether services will be operated safely and in accordance with regulations and accepted standards.

A provider of a social care or non-NHS care service will need to apply for registration to the Registration and Inspection Team.

Services **registered** by the Registration and Inspection Team (R&I) include:

- Care homes providing personal and/or nursing care
- Adult placement services
- Adult Day Care Centres
- Child Care Agencies
- Domiciliary Care Agencies
- Clinics providing techniques of medicine or surgery as prescribed by the Department
- Children's homes
- Nurses Agencies
- Childminders caring for children under the age of eight
- Child Day Care for children under the age of eight
- Independent Hospitals
- Offender Accommodation

For a full list of basic definitions of care services, please reference the Regulation of Care Act 2013, Part 1 Subdivision 2 – Basic definitions for Social Care and Care Services.

In addition to the above, the following services do not require provider registration but are subject to statutory inspection by the Registration and Inspection Team:

- Independent schools providing accommodation
- Department care homes, day care and domiciliary care services

By making informed judgements about services R&I aims to ensure that services comply with conditions of registration and regulations and meet recognised minimum standards. The goal is that providers will operate above these minimum standards and work with the Inspectors to maintain and exceed the accepted standards.

The aim of this document is to provide information about the registration and inspection processes to persons wishing to provide any of the above services. The procedures to follow are explained in detail but if you have any further questions please contact R&I:

Registration and Inspection Team Department of Health and Social Care, lower ground floor, St Georges, Court, Hill Street, Douglas, Isle of Man, IM1 1EF +44 1624 642422 Email: RandI@gov.im

The Legislation

Regulation of Care Act 2013

Regulations of Care (Registration) Regulations 2013

Regulation of Care (Care Services) Regulations 2013

Regulation of Care (Independent Clinic) Regulations 2013

Regulation of Care (Boarding School Fees) Regulations 2013

The above legislation can be accessed and downloaded at:

<http://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-Team/regulation-of-care-act-2013/>

The Care Standards

Adoption Minimum Standards

Adult Care Homes Minimum Standards

Adult Day Care Minimum Standards

Adult Placement Agencies Minimum Standards

Full Day Care Minimum Standards (for under eights)

Sessional Day Care Minimum Standards (for under eights)

Creches Minimum Standards

Out of School Care Minimum Standards

Childminding Minimum Standards

Children's Homes Minimum Standards

Child (Secure Accommodation) Minimum Standards

Domiciliary Care Agencies and Child Care Agencies Minimum Standards

Fostering Services Minimum Standards

Independent Clinics Core Standards

Independent Clinics Service Specific Standards

Independent Hospitals Core Standards

Hospice Minimum Standards

Nurse Agencies Minimum Standards

Offender Accommodation Care Services Minimum Standards

The above care standards can be accessed and downloaded at:

<https://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-Team/care-standards/>

THE REGISTRATION PROCESS

Registration Enquiries

Initial enquiries are dealt with by sending out the guidance and information documents. An application pack will subsequently be issued on request. This can be:

- by telephone
- by email
- in writing to the address stated on the front page.

This pack can be sent as a PDF attachment if required or downloaded from the 'application form' tab on the website: <http://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-Team/>

AN APPLICATION FOR REGISTRATION

Individuals or Body Corporate

The registration process varies depending on whether the service will be provided by an individual, an agency or by a body corporate. The service provider is named as the 'Registered Provider' of the care service whether this is an individual or an organisation. The 'Registered Provider' is required to make application to become registered.

Services to be provided by individuals/partnerships

An individual may have sole overall responsibility for the service or work in partnership with one or more other persons. Where the service is intended to be provided by an individual or partnership, the application must include information about:

- The person who will have overall responsibility for the service (known as the Registered Provider);
- If applicable, details of each partner;
- The person who will manage the service on a day to day basis (known as the Registered Manager); and
- The service to be provided.

Services provided by Body Corporate

Where the service is intended to be provided by a body corporate the application must include information about:

- The body corporate with overall responsibility for the service;
- All persons having involvement with the body corporate;
- The person who will manage the service on a day to day basis (known as the Registered Manager);
- The individual proposed to be the body corporate's responsible person
- The service to be provided.

Application for registration as Manager of the service

The person who will be in charge of the day to day delivery of the service must be suitably qualified and experienced. A body corporate or an individual therefore may choose to appoint a person to take control of the day to day delivery of the service and this person is to make application to become the Registered Manager. In the case of a social care service, this person will be expected to hold a relevant qualification. Please reference the applicable care standards for details of the required qualifications for the proposed applicant.

The Registered Provider and the Registered Manager may be the same person if they have the relevant experience and qualifications but in many cases the individual or organisation with overall responsibility may not want to deliver the day to day care or have the required qualification, skill or experience to do so. The applicant for Registered Manager is to complete the Application for Registration – Manager form.

Suitability for Registration

The registration process is subject to essential suitability or 'suitability' criteria to determine whether individuals, body corporates and services are suitable to operate. R&I will use information from the application to check:

- Suitability of premises – that premises are fit for the purpose of the service (where applicable).
- Suitability of persons – that the persons running and managing the service, (Registered Provider/ Manager) are fit to do so.
- Suitability of services and facilities – that the service and facilities (including policies and procedures) meet legal requirements, are suitable and safe and meet the needs of the service users as interpreted through regulations and accepted standards.

The registration process has been designed to assess each application against these criteria. The process includes interviews with the applicants, checks on their character using employment, financial and health references, Disclosure and Barring Service (DBS) checks and an inspection or pre-registration visit to the proposed service. The applicant will not be registered unless all checks are satisfactory.

In order to become registered, the applicant must demonstrate how they will meet legal requirements, regulations and accepted standards. The applicant will be advised of any required improvements to be made and wherever possible will allow time for those improvements to be made, where it is considered that services/proposed services will fall short of legal requirements.

R&I can only grant a registration application if it is satisfied the registration criteria have been complied with.

In addition to this, R&I can only grant a registration application if it is satisfied to the extent the persons to be registered will continue to be suitable (namely supervisors, managers or those involved in childminding).

R&I will only agree to register if it is convinced in the applicant's commitment to and ability to continue to comply with the other registration criteria to the extent they are relevant.

An important part of this process is what is known as the Fit Person Interview carried out when considering the applications for adult care home managers and service providers.

Meeting the standards

The legislation, regulations and care standards will depend upon the type of service the applicant is proposing to provide. Please refer to the section of this document entitled 'Legislation'.

1.

Making an application

Individual / Partnership applicants

- **Application for Registration – Individual/Partnership/Body Corporate** - to be completed by the individual applying to become the Registered Provider/Person in Control.
- **Application for Registration – Manager** - to be completed by the proposed Registered Manager.
- **Partner(s) - Supplement to Partnership application for registration** - to be completed by additional partners other than the person that has completed their details on the Application for Registration – Individual/Partnership/Body Corporate form.
- **Medical opinion form** - to be completed by all applicants. Applicants should complete and take this form to their General Practitioner. The applicant will be responsible for the any costs incurred.
- **Financial information consent** - to be completed by the Individual and all partners, as applicable.
- **Disclosure and Barring Service (DBS) check** - to be completed by all applicants. Please contact the Registration and Inspection Team for a DBS form as these are not currently available online. The current DBS application fee for an enhanced check is £40.00 (cheques should be made payable to the Isle of Man Government)

Body Corporate applicants

The organisation making application to become the 'Registered Provider' as a body corporate is asked to nominate one person ('Responsible Person') to make the application for registration on behalf of the body corporate. The Responsible Person must be a Director, Chairperson, Secretary or other officer of the organisation who is responsible for supervising the overall management of the service and will be the contact person with respect to registration and inspection issues.

- **Application for Registration – Individual/Partnership/Body Corporate** - to be completed by the Responsible Person representing the Organisation.
- **Directors or Officers of a Body Corporate Declaration** - to be completed by all Directors or other offices that make up the body corporate.
- **Application for Registration – Manager** - to be completed by the proposed Registered Manager.
- **Medical opinion form** - to be completed by the Responsible Person and the proposed registered manager. Applicants should complete and take this form to their General Practitioner. Applicants will be responsible for any costs incurred.
- **Financial information consent** - to be completed by the Responsible Person representing the body corporate and any other applicant having involvement in the financial management of the provision. Applicants will be responsible for any costs incurred.
- **Disclosure and Barring Service (DBS) check** - to be completed by all applicants. Please contact the Registration and Inspection Team for a DBS form as these are not currently available online. The current DBS application fee for an enhanced check is £44.00 (cheques should be made payable to the Isle of Man Government)

Documents, as applicable, detailing the proposed service to be provided must be included with an application for Provider Registration. A list of the required documents are detailed in the Regulation of Care (Registration) Regulations 2013, Schedule 3 Parts 1 & 2.

Documents which must be provided with a manager's application are detailed in the Regulation of care (Registration) Regulations 2013, Schedule 4.

Read the forms through carefully and ensure you fully understand the contents. Your application is not complete until we have received your application form and all other relevant forms and documents associated with your application.

For information regarding making application to provide an adult placement service please contact the Registration and Inspection Team.

2.

Registration application fees

The fees are set by government and vary according to the type of service to be registered. There is also an annual fee for each service. Details about fees are listed in the Regulation of Care (Registration) Regulations 2013, Schedule 5. (fees are made payable to Isle of Man Government).

3.

Once we have received your completed application, and you have paid the fee, we will carry out checks on you and any others connected with the application. In particular, attention will be paid to the references, medical check, qualifications, employment records and your business standing, as applicable. These checks are all part of the process for determining 'suitability'.

Anyone who owns, manages or works in a service dealing with children or vulnerable adults has to undergo a police check. Any such person is exempt from the Rehabilitation of Offenders Act 2001. Therefore such persons are required to declare any pending prosecutions or convictions they may have, even if they would otherwise be regarded as spent under this Act, and any cautions or bind-overs. The information you give will be treated in confidence and will only be taken into account in relation to an application where the exemption applies. Information received from the police will be kept in strict confidence and will be destroyed immediately the registration process is completed.

The disclosure of a criminal record or other information will not debar you from registration unless R&I considers that the conviction renders you unsuitable for registration. In making this decision R&I will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. If you have any concern about a conviction you may ring R&I to discuss further.

Failure to declare a conviction, caution or bind-over may disqualify the applicant from registration or result in cancellation of registration if the discrepancy comes to light.

With respect to persons making application to be registered providers or registered managers, the police check will be carried out by R&I and each applicant is required to complete a Disclosure and Barring Service (DBS) and return to R&I along with the required DBS fee. The DBS/criminal convictions certificate will be issued directly to the applicant. The applicant will then need to produce their certificate to R&I (in person) in order to proceed with their application.

Please note: Applicants are required to produce, in person, formal identification e.g. passport, birth certificate or driving licence for verification of identity, proof of address (e.g. recent utility

bill, bank statement). Also, if applicable any formal documentation showing change of name e.g. marriage certificate, divorce papers and/or deed poll papers. This proof of identity is required before Registration and Inspection can apply to the IOM Constabulary for a DBS check.

The registered person/organisation will be responsible for ensuring that all other persons who work in their establishment in the care of children or vulnerable adults are police vetted and to apply for work permits where necessary. It is also the responsibility of employers to comply with any current employment legislation requirements.

4.

After you have submitted your application an inspector will make contact with you to start the process of assessing your suitability.

The individual applying to become a Registered Provider or the Responsible Person representing a body corporate and the proposed registered manager/s will be required to attend a 'Fit person interview' once personal checks have been completed. The purpose of the 'Fit person interview', which is carried out by the Inspectors, is to assess your knowledge of the social or health care sector and requirements set down under the relevant legislation. Interviews are to be conducted in a manner which provides a balance between assessing fitness and aiding development.

5.

Visits will be made by an inspector, as applicable, to assess the suitability of the proposed provision and the service to be provided. R&I will also verify that appropriate Government agencies are satisfied that their regulations have been complied with. This may include the Fire and Rescue Service, Department of Environment, Safety and Health, Department of Infrastructure - planning officers and building control officers. You will need to ensure that your service meets the registration requirements and the relevant service specific regulations and standards to qualify for registration.

6.

When all checks are complete you will be informed by formal written notice of the Department's decision with respect to an application.

The Registration and Inspection Team aims to process your application as quickly as possible within a three-month period of receipt. In exceptional circumstances, which may be beyond our control, this may take longer; in such cases we will keep you informed of progress.

Registration can be:

- **Approved** if all suitability criteria are met and no conditions made
- **Approved with 'decided' conditions** if criteria are met but conditions are required to safeguard service users
- **Refused** if any of the suitability criteria are not met

Situations that would automatically prevent a person from becoming a care provider

Some people are disqualified from being involved/working or providing a care service. For details of disqualification offences please reference the Regulation of Care Act 2013, Sections 43, 44, 45 and 46.

If you are applying for an exemption from disqualification please reference the Regulation of Care Act 2013, Section 47.

Deciding applications

Registration and Inspection can only grant registration if satisfied (a) the registration criteria have been complied with (b) to the extent the person is suitable for childminding, will continue to be suitable and (c) the applicant will continue to comply with the other registration criteria.

The inspector will prepare a report and make a recommendation to enable Head of Registration & Inspection to consider the application. If all the registration criteria have been met and all necessary information received the registration and inspection Team can make a decision.

Sometimes it is necessary to place conditions on a registration and most frequently these will be agreed with the applicant. These are noted as "agreed conditions". This agreement must always be in writing from the applicant. Once received registration can be granted by issuing a Notice of Decision to grant or amend registration together with a certificate which must show the decided conditions.

Sometimes it may be necessary for the Registration and Inspection Team to "propose" to refuse an application to register, or to impose decided conditions when agreement cannot be reached, or there is dispute with the applicant. A notice of proposal is issued. Before a decision is taken the applicant will be able to make written representations to the DSC within 21 days. Written submissions must be considered. It is possible to reconsider proposals when additional assurances are received from the applicant. The applicant can also change their mind and decide to accept the imposed conditions and in such instances we revert to the "agreed conditions" step above.

If it is decided to impose conditions or to refuse a registration application a Notice of Decision is issued. This allows for the right to appeal when the matter can be heard by the Care Services Tribunal who has the power to uphold the decision, uphold the appeal or make a different decision.

If the registration is granted a certificate of registration will be issued. This is your proof of registration and must be displayed on the premises. The certificate will contain the registered person's name, registration number and any conditions of registration.

Property sales depending on registration being granted

It is appreciated that situations can arise in which property conveyance will not be completed unless the purchaser knows that he/she would be registered under the appropriate legislation. Similarly the Department can be faced with applications to register where the title to the property to be registered has not been finally established.

To try to assist in this situation, whilst it is not possible for the Department to issue an advance letter of intention to register, it may be possible to let the prospective purchaser have an indication, in writing, on the lines that *"the Department can, at the time of writing, see no reason why registration should not be granted"*. Such letters would not be issued until/unless all references and consents had been received and all checks were considered by the Department to be satisfactory.

It must be clearly understood that such letters do not take the place of formal registration, and will have no standing in law. The Department would still be entitled not to grant registration, but would, of course, take care not to issue such a letter when it was felt that a refusal of registration might arise.

Remember that opening a care service without registration is an offence which could render you liable to prosecution and could lead to the refusal of your application to register.

Withdrawing an application

If during the registration process an applicant wishes to withdraw their application to be registered as a service provider they must put this request in writing to this Department. An application cannot be withdrawn if a Notice has been served refusing registration. This will not affect an applicant's right to make an objection or an appeal against the decision.

REGISTRATION AND INSPECTION

Regulation is concerned with the protection of children and vulnerable adults. Every effort will be made to foster co-operative relations with the providers of regulated services with the aim of promoting a high standard of care.

The Registration and Inspection Team will seek to encourage compliance with legislation and the Department's requirements by means of clear information and advice as to the standards and requirements. However, when the requirements are not met the registration authority may exercise its duty under the law to take enforcement action.

It is intended that the Registration and Inspection Team and the registered provider work in partnership in the interests of protecting and promoting the safety and welfare of the service users. The inspector will aim to be constructive, enabling discussion to take place on the operation of the establishment and giving the provider/manager the opportunity to raise matters requiring support advice.

In order to achieve a cooperative relationship, providers and managers must be fully aware of their responsibilities under registration and be committed to achieving the required standards. There must be trust between inspectors and providers that each is operating correctly within the law.

While the Registration and Inspection Team will work constructively with providers who demonstrate a commitment to providing a good quality of care in accordance with the requirements of registration, it will take the necessary enforcement action against providers who operate in breach of requirements, act dishonestly and/or run unacceptably poor quality services.

Enforcement action would normally be taken following serious occurrences or revelations or as a last resort after other attempts to achieve compliance have failed. When enforcement action is taken, the Registration and Inspection Team will ensure that providers are informed of their right to make representations and appeal. Registration can be:

- **Amended** if any of the conditions of registration need to be changed or **suspended** if serious concerns are present but not to an extent to instigate cancellation (eg criminal proceedings)
- **Cancelled** if any of the suitability criteria, regulations or conditions of registration are not maintained
- **Cancelled** if the annual fee in respect of the service has not been paid on or before the due date
- **Cancelled** by an urgent order made by the Department if service users are deemed to be at serious risk
- **Cancelled** at the request of the registered provider/person. A surrender application must be submitted to the Registration and Inspection Team not less than 3 months before the proposed effective date of surrender. Details of what is required are detailed in the Regulation of Care (Registration) Regulations 2013, Part 5.

If you have any further questions on the registration process, please contact the Registration and Inspection Team.



This document can be provided in large print on request

Registration and Inspection Team
Department of Health and Social Care
Ground Floor, St George's Court
Hill Street, Douglas
IM1 1EF

Tel: +44 1624 642422

Email: RandI@gov.im