

2001 No. 3969

**SOCIAL CARE, ENGLAND
CHILDREN AND YOUNG PERSONS, ENGLAND
PUBLIC HEALTH, ENGLAND**

**The National Care Standards Commission (Registration)
Regulations 2001**

<i>Made - - - -</i>	<i>11th December 2001</i>
<i>Laid before Parliament</i>	<i>12th December 2001</i>
<i>Coming into force</i>	<i>1st January 2002</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 11(4), 12(2), 14(1)(d), 15(3), 16(1), 25(1) and 118(5) to (7) of the Care Standards Act 2000^(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

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^(a) 2000 c.14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State. See section 121(1) for the definitions of “prescribed” and “regulations”.

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PART I—GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Care Standards Commission (Registration) Regulations 2001 and shall come into force on 1st January 2002.

(2) These Regulations extend to England only.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Care Standards Act 2000;

“applicant” means a person seeking to be registered;

“half-way house” means a children's home in which children aged 16 or over may prepare, or be assisted in preparing, for independent living;

“holding company” has the meaning given to it by section 736 of the Companies Act 1985(a);

“organisation” means a body corporate or any unincorporated association other than a partnership;

“placement plan” has the meaning given to it in regulation 12 (child's placement plan) of the Children's Homes Regulations 2001(b);

“registered” means registered under Part II of the Act;

“registered manager” means a person who is registered as the manager of an establishment or agency;

(a) 1985 c.6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c.40).

(b) S.I. 2001/3967.

“registered person” means a person who is the registered provider or registered manager in respect of an establishment or agency;

“registered provider” means a person who is registered as a person carrying on an establishment or agency;

“registration” means registration under Part II of the Act;

“relative”, in relation to any person, means—

- (a) the person’s spouse;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse;
- (c) the spouse of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, and references to “spouse” in relation to any person include a former spouse and a person who is living with the person as husband and wife;

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment or agency, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“responsible individual” means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency;

“responsible person” means—

- (a) where the applicant is an individual—
 - (i) the applicant; and
 - (ii) if the applicant carries on or intends to carry on the establishment or agency in partnership with others, each partner of his;
- (b) where the applicant is a partnership, each member of the partnership;
- (c) where the applicant is an organisation, the responsible individual;

“service user” means any person who is to be provided with accommodation or services in an establishment, or by an agency;

“statement of purpose” means—

- (a) in relation to a care home, the written statement required to be compiled in relation to the care home in accordance with regulation 4(1) of the Care Homes Regulations 2001**(a)**;
- (b) in relation to a children’s home, the written statement required to be compiled in relation to the children’s home in accordance with regulation 4(1) of the Children’s Homes Regulations 2001**(b)**;
- (c) in relation to an independent hospital, independent clinic, or independent medical agency, the written statement required to be compiled in relation to the independent hospital, independent clinic, or independent medical agency in accordance with regulation 5(1) of the Private and Voluntary Health Care (England) Regulations 2001**(c)**;
- (d) in relation to an establishment or agency of any other description, a statement of the aims and objectives of the establishment or agency;

“subsidiary” has the meaning given to it by section 736 of the Companies Act 1985.

(2) In these Regulations, unless the context otherwise requires, references to an establishment or agency are to be construed as references—

- (a) in the case of an applicant, to the establishment or agency in respect of which he is seeking to be registered;
- (b) in the case of a registered person, to the establishment or agency in respect of which he is registered.

(a) S.I. 2001/3965.
(b) S.I. 2001/3967.
(c) S.I. 2001/3968.

- (3) In these Regulations, a reference—
- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
 - (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
 - (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

PART II—APPLICATIONS FOR REGISTRATION

Information and documents to be provided by an applicant

- 3.—(1) An application for registration shall—
- (a) be in writing on a form approved by the Commission;
 - (b) be sent or delivered to the Commission;
 - (c) be accompanied by a recent photograph of the responsible person, of whom the photograph shall be a true likeness;
 - (d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).
- (2) A person who is seeking to be registered as a person who carries on an establishment or agency shall provide to the Commission—
- (a) full information in respect of the matters listed in Parts I and II of Schedule 1;
 - (b) the documents listed in paragraphs 1 to 3 and 5 to 9 of Schedule 2;
 - (c) the documents listed in paragraphs 4 and 10 of Schedule 2, except where any certificate or information on any matters referred to in those paragraphs is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.
- (3) A person who is seeking to be registered as a manager in respect of an establishment or agency shall provide to the Commission—
- (a) full information in respect of each of the matters listed in Part I of Schedule 3;
 - (b) the documents listed in paragraphs 9 to 11 of that Schedule;
 - (c) the documents listed in paragraphs 12 and 13 of that Schedule, except where any certificate or information on any matters referred to in those paragraphs is not available to the person because any provision of the Police Act 1997 has not been brought into force.
- (4) A person who is seeking to be registered in respect of an establishment or agency of a description specified in column (1) below shall provide to the Commission full information in respect of each of the matters listed in the Schedule specified in the corresponding entry in column (2) below.

(1) Establishment or agency	(2) Schedule
Care home	Schedule 4
Children's home	Schedule 5
Independent hospital, independent clinic, or independent medical agency	Schedule 6

(a) 1997 c.50. Sections 113 and 115, as amended, have not yet been brought into force.

(5) If the Commission so requests, the applicant shall provide full information to the Commission in respect of the matters listed in Part III of Schedule 1 in relation to any person specified for this purpose by the Commission who works, or is intended to work, at the establishment or for the purposes of the agency.

(6) The applicant shall provide to the Commission any other information or documents that it may reasonably require in relation to his application for registration.

Convictions

4. Where the Commission asks the responsible person for details of any criminal convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(a) and informs him at the time the question is asked that by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(b) spent convictions are to be disclosed, he shall supply in writing to the Commission details of any spent convictions that he has.

Interview

5. The responsible person shall attend an interview for the purpose of enabling the Commission to determine whether the applicant is fit to carry on or manage the establishment or agency in respect of which the applicant seeks to be registered.

Notice of changes

6. The applicant shall give notice in writing to the Commission of any change specified below which occurs after the application for registration is made and before it is determined—

- (a) any change of the name or address of the applicant or any responsible person;
- (b) where the applicant is a partnership, any change of membership of the partnership;
- (c) where the applicant is an organisation, any change of director, manager, secretary or other person responsible for the management of the organisation.

Information as to staff engaged after application made

7.—(1) Where an applicant applies for registration as a person who carries on an establishment or agency, and before the application is determined, engages a person to work at the establishment or for the purposes of the agency, he shall, in respect of each person so engaged—

- (a) obtain the information specified in paragraphs 16 and 17 of Schedule 1 and, except where paragraph (2) applies, the documents specified in paragraph 10 of Schedule 2, in relation to the position in which the person is to work;
- (b) provide to the Commission, if it so requests, any of the information or documents which he is required to obtain under paragraph (a).

(2) This paragraph applies where any certificate or information on any matters referred to in paragraph 10 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.

PART III—CERTIFICATES OF REGISTRATION

Registers

8.—(1) The Commission shall keep a register in respect of each description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act, other than that of voluntary adoption agency.

(2) Each register shall contain, in relation to each establishment or agency in respect of which a person's application for registration has been granted—

- (a) the particulars specified in Part I of Schedule 7; and
- (b) the particulars specified in respect of the register in Part II of that Schedule.

(a) 1974 c.53.
(b) S.I. 1975/1023.

Contents of certificate

9. Where the Commission is required to issue a certificate of registration it shall ensure that the certificate contains the following particulars—

- (a) the name, address and telephone number of the Commission;
- (b) the name and address of the person who has been registered as the person who carries on the establishment or agency;
- (c) where the person is an organisation, the name of the responsible individual;
- (d) the name of the person registered as the manager of the establishment or agency;
- (e) the description of the establishment or agency by reference to the description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act;
- (f) where the registration is subject to any condition, details of the condition including any requirement in the condition as to—
 - (i) the facilities or services that are to be provided;
 - (ii) the number of service users for whom accommodation or services may be provided;
 - (iii) the description of persons to whom facilities or services are to be provided;
 - (iv) any period of time within which the condition is to be fulfilled;
 - (v) the number and description of persons to be working at any specified place and time;
- (g) the date of registration;
- (h) a statement that if an establishment or agency is not carried on in accordance with the relevant requirements and conditions the registration is liable to be cancelled by the Commission;
- (i) a statement that the certificate relates only to the person to whom it is issued by the Commission and is not capable of being transferred to another person.

Return of certificate

10. If the registration of a person in respect of an establishment or agency is cancelled, he shall, not later than the day on which the decision or order cancelling the registration takes effect, return the certificate of registration to the Commission by—

- (a) delivering it to the Commission; or
- (b) sending it to the Commission by registered post or by recorded delivery.

Offence

11.—(1) A failure to comply with regulation 10 shall be an offence.

(2) The Commission shall not bring proceedings against a person in respect of any failure to comply with that regulation unless—

- (a) notice has been given to him in accordance with paragraph (3);
- (b) the period specified in the notice, beginning with the date of the notice, has expired; and
- (c) the person fails to comply with that regulation.

(3) Where the Commission considers that the person has failed to comply with regulation 10, it may serve a notice on the person specifying—

- (a) in what respect in its opinion the person has failed or is failing to comply with the requirements of that regulation;
- (b) what action, in the opinion of the Commission, the person should take so as to comply with that regulation; and
- (c) the period, not exceeding three months, within which the person should take action.

PART IV—CONDITIONS AND REPORTS

Application for variation or removal of a condition

12.—(1) In this regulation—

“application” means an application by the registered person under section 15(1)(a) of the Act for the variation or removal of a condition in relation to his registration;

“proposed effective date” means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

(2) An application shall be—

- (a) made in writing on a form approved by the Commission;
- (b) sent or delivered to the Commission not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with the Commission;
- (c) accompanied by the information specified in paragraph (3);
- (d) accompanied by a fee of such amount as may be prescribed in relation to the variation or removal applied for by any regulation made under section 15(3) of the Act.

(3) The following information is specified—

- (a) the proposed effective date;
- (b) the registered person’s reasons for making the application;
- (c) details of changes that the registered person proposes to make in relation to the establishment or agency as a consequence of the variation or removal applied for, including details of—
 - (i) proposed structural changes to the premises that are used as an establishment or for the purposes of an agency;
 - (ii) additional staff, facilities or equipment, or changes in management that are required to ensure that the proposed changes are carried into effect.

(4) The registered person shall provide the Commission with any other information or any documents that it may reasonably require in relation to his application.

Report as to financial viability

13. If it appears to the registered person that the establishment or agency is likely to cease to be financially viable at any time within the next following six months, the registered person shall give a report to the Commission of the relevant circumstances.

PART V—CANCELLATION OF REGISTRATION

Cancellation of registration

14. The following grounds are specified for the purposes of section 14(1)(d) of the Act as grounds on which the Commission may cancel the registration of a person in respect of an establishment or agency—

- (a) he has failed to pay at the time prescribed under subsection (3) of section 16 of the Act the annual fee payable by him by virtue of that subsection;
- (b) he has in relation to any application by him—
 - (i) for registration; or
 - (ii) for the variation or removal of a condition in relation to his registration, made a statement which is false or misleading in a material respect or provided false information;
- (c) the establishment or agency has ceased to be financially viable, or is likely to cease to be so within the next six months.

Application for cancellation of registration

15.—(1) In this regulation—

“application for cancellation” means an application by the registered person under section 15(1)(b) of the Act for the cancellation of his registration;

“notice of application for cancellation” means a notice by the registered person stating that he has made, or intends to make, an application for cancellation;

“proposed effective date” means the date requested by the registered person as the date on which the cancellation applied for is to take effect.

(2) An application for cancellation shall be—

- (a) made in writing on a form approved by the Commission;
- (b) sent or delivered to the Commission not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with the Commission;
- (c) accompanied by the information specified in paragraph (4).

(3) If the registered person makes an application for cancellation he shall not more than seven days thereafter give notice of application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom he has given such notice within three months before he made the application for cancellation.

(4) The following information is specified—

- (a) the proposed effective date;
- (b) a statement as to the arrangements (if any) that have been made by the registered person to ensure that on and after—
 - (i) the date of application for cancellation; and
 - (ii) the proposed effective date,

service users will continue to be provided with similar accommodation (if any) and services as those provided to them in the establishment or by the agency at the date on which the application for cancellation is made;

- (c) the registered person’s reasons for making the application for cancellation;
- (d) particulars of any notice of application for cancellation that has been given to any of the following persons—
 - (i) service users;
 - (ii) persons who appear to the registered person to be representatives of service users;
 - (iii) the local authority and Health Authority in whose areas the establishment or the premises used by the agency are situated;
- (e) where the registered person has not given notice of application for cancellation to—
 - (i) each service user;
 - (ii) in respect of each service user, a person who appears to the registered person to be a representative of that service user; and
 - (iii) each of the bodies specified in sub-paragraph (4)(d)(iii),

a statement as to whether there were any circumstances which prevented the registered person from giving, or made it impracticable for him to give, notice of application for cancellation to any of the persons or bodies referred to in heads (i) to (iii) of this sub-paragraph before the date on which he applied for cancellation;

- (f) where the registered person has applied for cancellation less than three months before the proposed effective date, a report as to whether the establishment or agency has ceased, or is likely to cease within the next following twelve months, to be financially viable.
- (5) The registered person shall provide the Commission with any other information or any documents that it may reasonably require in relation to his application for cancellation.

Signed by authority of the Secretary of State for Health

11th December 2001

Jacqui Smith
Minister of State,
Department of Health

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION
AS A PERSON WHO CARRIES ON AN ESTABLISHMENT OR AGENCY

PART I

Information about the applicant

1. Where the applicant is an individual—
 - (a) if he intends to carry on the establishment or agency in partnership with others, the information specified in the following sub-paragraphs of this paragraph in relation to each partner of the firm;
 - (b) the responsible person's full name, date of birth, address and telephone number;
 - (c) details of his professional or technical qualifications, and experience of carrying on an establishment or agency, so far as such qualifications and experience are relevant to providing services for persons to whom services are to be provided at the establishment or by the agency;
 - (d) details of his employment history, including the name and address of his present employer and of any previous employers;
 - (e) details of any business he carries on or has carried on;
 - (f) the name and addresses of two referees—
 - (i) who are not relatives of the responsible person;
 - (ii) each of whom is able to provide a reference as to the responsible person's competence to carry on an establishment or agency of the same description as the establishment or agency; and
 - (iii) one of whom has employed the responsible person for a period of at least 3 months,
but the requirement for the name and address of a referee who has employed the responsible person for a period of at least 3 months shall not apply where it is impracticable to obtain a reference from a person who fulfils that requirement;
 - (g) where any certificate or information on any matters referred to in paragraph 4 of Schedule 2 is not available to the responsible person because any provision of the Police Act 1997 has not been brought into force, details of any criminal offences—
 - (i) of which the responsible person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974**(a)** and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**(b)**; or
 - (ii) in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.
2. Where the applicant is a partnership—
 - (a) the name and address of the partnership;
 - (b) in relation to each member of the partnership, the information specified in paragraph 1(b) to (h).
3. Where the applicant is an organisation—
 - (a) the name of the organisation and the address of the registered office or principal office of the organisation;
 - (b) the full name, date of birth, address and telephone number of the responsible individual;
 - (c) details of the professional or technical qualifications of the responsible individual and his experience of carrying on an establishment or agency of the same description as the establishment or agency, so far as such qualifications and experience are relevant to

(a) 1974 c.53.

(b) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, 1986/2268, 2001/1192.

providing services for persons for whom services are to be provided at the establishment or by the agency;

- (d) if the organisation is a subsidiary of a holding company, the name and address of the registered or principal office of the holding company and of any other subsidiary of that holding company.

4. In every case—

- (a) a reference from a bank expressing an opinion as to the applicant's financial standing;
- (b) a statement as to whether the responsible person has been adjudged bankrupt, or sequestration of his estate has been ordered, or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
- (c) a statement as to the applicant's ability to ensure the financial viability of the establishment or agency for the purpose of achieving the aims and objectives of the establishment or agency set out in its statement of purpose;
- (d) a business plan in respect of the establishment or agency;
- (e) details as to cash-flow in respect of the establishment or agency.

PART II

Information about the establishment or agency

5. The name, address, telephone number, facsimile number, and electronic mail address (if any) of the establishment or agency.

6. The description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act in respect of which the applicant seeks to be registered.

7. The statement of purpose of the establishment or agency.

8. A statement as to the accommodation, facilities and services which are to be provided by the establishment or agency including the extent and, where appropriate, location of such accommodation, facilities and services.

9. The date on which the establishment or agency was established or is proposed to be established.

10. Details of the scale of charges payable by the service users.

11. In respect of the premises to be used by an establishment—

- (a) a description of the premises, including a statement as to whether the premises are purpose-built or have been converted for use as an establishment;
- (b) a description of the area in which the premises are located.

12. In respect of the premises to be used by an establishment or for the purposes of an agency, a statement as to whether at the date the application is made the premises are capable of being used for the purpose of—

- (a) achieving the aims and objectives set out in the statement of purpose of the establishment or agency; and
- (b) providing facilities and services in accordance with the statement referred to in paragraph 8,

without the need for planning permission, building works, or conversion of the premises and, if the premises are not capable of such use at the date the application is made, details of the permission, works or conversion needed.

13. A statement as to the security arrangements, including arrangements for the purposes of—

- (a) safeguarding access to information held by the establishment or agency; and
- (b) restricting access from adjacent premises or, when the premises form part of a building, from other parts of the building.

14. The name and address of any other establishment or agency of a description specified in section 4(8)(a) or (9)(a) of the Act in which the applicant has or has had a business or financial interest, or at which he is or has been employed, and details of such interest or employment.

15. Whether any other business is or will be carried on in the same premises as those of the establishment or agency and, if so, details of such business.

Information about staff

16. In respect of any person, other than the applicant, who works at, or is intended to work at the establishment or for the agency—

- (a) the person's name, sex and date of birth;
- (b) the person's duties and responsibilities in relation to his work.

PART III

Further information about staff

17. In respect of any person, other than the applicant, who works at, or is intended to work at the establishment or for the purposes of the agency—

- (a) whether the person is, or is intended to be, resident in the premises used as the establishment or for the purposes of the agency;
- (b) if he is a relative of any person who has made an application in respect of the establishment or agency, his relationship to such person;
- (c) whether the person works or is intended to work, on a full-time basis or on a part-time basis and, if on a part-time basis, the number of hours per week for which it is intended that the person will work;
- (d) the date on which the person commenced, or is intended to commence, working at the establishment or for the purposes of the agency;
- (e) information as to the person's qualifications, experience and skills in so far as is relevant to the work that the person is to perform;
- (f) a statement by applicant that he is satisfied as to the authenticity of the qualifications, and has verified the experience and skills that are referred in sub-paragraph (e);
- (g) a statement as to—
 - (i) the suitability of the person's qualifications for the work that the person is to perform;
 - (ii) whether the person has the skills necessary for such work;
 - (iii) the person's fitness to work, and have regular contact, with service users;
- (h) a statement by the person as to the state of his physical and mental health;
- (i) a statement by the applicant that the person is physically and mentally fit for the purposes of the work which he is to perform;
- (j) a statement by the applicant as to whether he is satisfied as to the person's identity, the means by which he so satisfied himself and whether he has obtained a copy of the person's birth certificate;
- (k) confirmation by the applicant that he has a recent photograph of the person;
- (l) a statement by the applicant that he has obtained two references relating to the person and that he is satisfied as to the authenticity of those references;
- (m) details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(a) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(b), and, in relation to each such offence, a statement by the person—

(a) 1974 c.53.

(b) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, 1986/2268, 2001/1192.

- (i) as to whether in his view the offence is relevant to his suitability to care for, train, supervise or be in sole charge of any person and, if so,
 - (ii) as to why he considers that he is suitable to perform the work in which he is to be employed;
- (n) details of any criminal offences in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.

SCHEDULE 2

Regulation 3(2)(b)

DOCUMENTS TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION AS A PERSON WHO CARRIES ON AN ESTABLISHMENT OR AGENCY

Documents concerning applicant

1. The responsible person's birth certificate.
2. Certificates or other suitable evidence relating to the responsible person's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.
- 3.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the responsible person is physically and mentally fit to carry on an establishment or agency of the same description as the establishment or agency.
(2) Where the responsible person is unable to obtain the report referred to in sub-paragraph (1), a statement by the responsible person as to the state of his physical and mental health.
4. The following documents in relation to the responsible person—
 - (a) a criminal record certificate—
 - (i) which has been issued under section 113 of the Police Act 1997(a); and
 - (ii) the application for which was countersigned by the Commission, including, where applicable, the matters specified in section 113(3A)(a) and (b) and (3C)(a) and (b) of that Act;
 - (b) an enhanced criminal record certificate—
 - (i) which has been issued under section 115 of that Act; and
 - (ii) the application for which was countersigned by the Commission, including, where applicable, the matters specified in section 115(6A)(a) and (b) and (6B)(a) and (b) of that Act.
5. Where the applicant is a corporate body, a copy of each of its last two annual reports.
6. Where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company.
7. The last annual accounts (if any) of the establishment or agency.
8. Except where the applicant is a local authority or NHS trust, a reference from a bank expressing an opinion as to the applicant's financial standing.
9. A certificate of insurance for the applicant in respect of liability which may be incurred by him in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.

(a) 1997 c.50. Sections 113 and 115, as amended, have not been brought into force. Sections 113(3A), (3B) and 115(6A) were added by section 8(1) and (2) of the Protection of Children Act 1999 (c.14) and amended by sections 104 and 116 of, and paragraph 25(1) and (2) of Schedule 4 to, the Care Standards Act 2000 (c.14). Sections 113(3C) and 115(6B) are to be added to the Police Act 1997 by section 90(1) and (2) of the Care Standards Act 2000 on a date to be appointed. Section 115(5)(ea) was inserted by the Care Standards Act 2000, section 104, on a date to be appointed.

Criminal record certificates in respect of staff

- 10.—(1) A statement confirming that—
- (a) the documents specified in sub-paragraph (2) have been issued—
 - (i) in the case of any applicant, to every person, other than the applicant, who works, or is intended to work, for the purposes of the establishment or agency; and
 - (ii) where the applicant is an organisation, to the responsible individual; and
 - (b) the applicant will make the documents so issued available for inspection by the Commission if the Commission so requires.
- (2) The following documents are specified—
- (a) if the position in which the person works, or is intended to work, for the purposes of the establishment or agency falls within section 113(3B) of the Police Act 1997, either—
 - (i) if the position falls within section 115(3) of that Act, an enhanced criminal record certificate issued to the person under section 115 of that Act; or
 - (ii) in any other case, a criminal record certificate issued to the person under section 113 of that Act,including the matters specified in, as the case may be, section 115(6A)(a) and (b) or 113(3A)(a) and (b) of that Act;
 - (b) if the position in which the person works, or is intended to work, for the purposes of the establishment or agency falls within section 113(3D) of the Police Act 1997, either—
 - (i) if the position falls within section 115(4) of that Act, an enhanced criminal record certificate issued to the person under section 115 of that Act; or
 - (ii) in any other case, a criminal record certificate issued to the person under section 113 of that Act,including the matters specified in, as the case may be, section 115(6B)(a) and (b) or 113(3C)(a) and (b) of that Act;
 - (c) if the position in which the person works, or is intended to work, for the purposes of the establishment or agency does not fall within section 113(3B) or (3D) of the Police Act 1997, a criminal record certificate issued to the person under section 113 of that Act.

SCHEDULE 3

Regulation 3(3)

INFORMATION AND DOCUMENTS TO BE SUPPLIED ON AN APPLICATION
FOR REGISTRATION AS THE MANAGER OF AN ESTABLISHMENT OR
AGENCY

PART I

Information

1. The applicant's full name, date of birth, address and telephone number.
2. Details of the applicant's professional or technical qualifications, and experience of managing an establishment or agency, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.
3. Details of the applicant's professional training relevant to carrying on or managing an establishment or agency.
4. Details of the applicant's employment history, including the name and address of his present employer and of any previous employers.
5. Details of any business the applicant carries on or manages or has carried on or managed.

6. The name and addresses of two referees—

- (a) who are not relatives of the applicant;
- (b) each of whom is able to provide a reference as to the applicant's competence to carry on an establishment or agency of the same description as the establishment or agency; and
- (c) one of whom has employed the applicant for a period of at least 3 months,

but the requirement for the name and address of a referee who has employed the applicant for a period of at least 3 months shall not apply where it is impracticable to obtain a reference from a person who fulfils that requirement.

7. The name, address, telephone number, facsimile number, and electronic mail address (if any) of the establishment or agency.

8. Where any certificate or information on any matters referred to in paragraph 12 or 13 is not available to the applicant because any provision of the Police Act 1997 has not been brought into force, details of any criminal offences—

- (i) of which the applicant has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974**(a)** and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**(b)**; or
- (ii) in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.

PART II

Documents

9. The applicant's birth certificate.

10. Certificates or other suitable evidence relating to the applicant's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.

11. A report by a general medical practitioner as to whether the applicant is physically and mentally fit to manage an establishment or agency of the same description as the establishment or agency.

3.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the applicant is physically and mentally fit to carry on an establishment or agency of the same description as the establishment or agency.

(2) Where the applicant is unable to obtain the report referred to in sub-paragraph (1), a statement by the applicant as to the state of his physical and mental health.

12. A criminal record certificate—

- (a) which has been issued to the applicant under section 113 of the Police Act 1997**(c)**; and
- (b) the application for which was countersigned by the Commission,

including, where applicable, the matters specified in section 113(3A)(a) and (b) and (3C)(a) and (b) of that Act.

13. An enhanced criminal record certificate—

- (a) which has been issued to the applicant under section 115 of that Act; and
- (b) the application for which was countersigned by the Commission,

including, where applicable, the matters specified in section 115(6A)(a) and (b) and (6B)(a) and (b) of that Act.

(a) 1974 c.53.

(b) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, 1986/2268, 2001/1192.

(c) 1997 c.50. Section 113(3A) was added by section 8(1) of the Protection of Children Act 1999 (c.14) and amended by section 116 of, and paragraph 25(1) of Schedule 4 to, the Care Standards Act 2000 (c.14). Section 113(3C) was added by section 90(1) of the Care Standards Act 2000.

SCHEDULE 4

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION
IN RESPECT OF A CARE HOME

1. In this Schedule “service user” means any person in the care home who is in need of nursing or personal care by reason of disability, infirmity, past or present illness, past or present mental disorder or past or present dependence on alcohol or drugs.
2. Details of the accommodation available for—
 - (a) service users; and
 - (b) persons working at the care home.
3. Whether it is proposed to provide nursing at the care home.
4. Whether it is proposed to provide at the care home accommodation, nursing or personal care to service users who are children.
5. The maximum number of service users for whom the care home is proposed to be used, and the number of such users by reference to—
 - (a) their sex;
 - (b) the categories listed in paragraph 6(c) of Schedule 7;
 - (c) service users who are children.

SCHEDULE 5

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION
IN RESPECT OF A CHILDREN’S HOME

1. The following details about the children who are intended to be accommodated at the children’s home—
 - (a) their age range;
 - (b) their sex;
 - (c) the maximum number of such children;
 - (d) whether the children to be accommodated are selected by reference to other criteria than age or sex, and if so those criteria.
2. The organisational structure of the children’s home.
3. The facilities and services to be provided within the children’s home for the children accommodated.
4. The arrangements for protecting and promoting the health of any children accommodated.
5. The fire precautions and emergency procedures.
6. The arrangements to allow children to follow religious observance.
7. The arrangements for contact between a child and his parents, relatives and friends.
8. Details as to the use of restraint and discipline, the circumstances in which they will be used, and who is permitted to authorise such use.
9. The procedure for dealing with any unauthorised absence of a child from the children’s home.
10. The arrangements for allowing children in the children’s home to raise issues, and the procedure for dealing with complaints.
11. The arrangements for the education of any child accommodated.
12. The arrangements for dealing with reviews of the placement plans of any children accommodated.

SCHEDULE 6

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION
IN RESPECT OF AN INDEPENDENT HOSPITAL, INDEPENDENT CLINIC, OR
INDEPENDENT MEDICAL AGENCY

1. The nature of the services to be provided including, in particular, details of any listed services.
2. The equipment and facilities to be provided.
3. The number of patient beds to be provided in an independent hospital or independent clinic.
4. The anticipated number of patients to be treated annually.
5. The arrangements made for the supply of blood and blood products.
6. The arrangements made for the provision of pathology and radiology services.
7. The number of registered medical practitioners who are to be involved in the treatment of patients.
8. Details of any services which are to be provided to children.

SCHEDULE 7

Regulation 8

PARTICULARS TO BE RECORDED IN THE REGISTERS KEPT BY THE
COMMISSION

PART I

1. The full name, address and date of birth of each person registered in respect of the establishment or agency.
2. Where the registered person is an organisation—
 - (a) the address of the registered office or principal office of the organisation;
 - (b) the full names, dates of birth and addresses of any individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of the establishment or agency.
3. The full name, address and telephone number of the establishment or agency.
4. The date of registration and of the issue of the certificate of registration and, where applicable, the date of any cancellation of registration.
5. The details of any conditions imposed on registration, any additional conditions imposed and any variation of any condition.

PART II

Care homes register

6. In the case of the register relating to care homes—
 - (a) which (if any) of the following categories of care home are applicable, each category to be indicated by reference to the following code—

care home only	PC
care home with nursing	N
care home providing adult placement	AP
care home not providing medicines or medical treatment	NM

- (b) the number of service users of each sex;
- (c) which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code—

old age, not falling within any other category	OP
service users who are over 65 years of age but do not fall within the category of old age	E
dementia	DE
mental disorder, excluding learning disability or dementia	MD
learning disability	LD
physical disability	PD
past or present drug dependence	D
past or present alcohol dependence	A
terminally ill	TI
sensory impairment	SI

Children's homes register

- 7. In the case of the register relating to children's homes—
 - (a) which (if any) of the following categories of children's home are applicable, each category to be indicated by reference to the following code—

children's home (excluding any of the following categories in this sub-paragraph)	CH
schools (not nursing)	SCH
secure unit	SU
half-way house for child aged 16 or over	HH

- (b) the number of service users of each sex;
- (c) which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code—

children (with none of the following conditions)	X
children with emotional or behavioural difficulties	EBD
children with physical disabilities	PD
children with learning disabilities	LD
children with mental disorders, excluding learning disability	MD
children with present drug dependence	D
children with present alcohol dependence	A
sensory impairment	SI

Registers relating to independent hospitals, independent hospitals in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983, independent clinics and independent medical agencies

- 8. (a) In the case of the register relating to—
 - (i) independent hospitals, the code IH;
 - (ii) independent clinics, the code IC;
 - (iii) independent medical agencies, the code IMA.
- (b) In the case of each of the registers relating respectively to independent hospitals, independent hospitals in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983(a), independent clinics and

(a) 1983 c.20.

independent medical agencies, which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code—

acute hospitals (with overnight beds)	AH
acute hospitals (day surgery only)	AH(DS)
mental health treatment establishments, not including those where people are liable to be detained	MH
mental health establishments taking people liable to be detained	MH(D)
hospices for adults	H(A)
hospices for children	H(C)
maternity hospitals/clinics	MAT
abortion clinics	TOP
prescribed techniques or prescribed technology: establishments using Class 3B or Class 4 lasers	PT(L)
prescribed techniques or prescribed technology: establishments using intense light sources	PT(IL)
prescribed techniques or prescribed technology: establishments providing dialysis	PT(DL)
prescribed techniques or prescribed technology: establishments using endoscopy	PT(E)
prescribed techniques or prescribed technology: establishments providing in vitro fertilisation	PT(IVF)
prescribed techniques or prescribed technology: establishments providing hyperbaric oxygen treatment	PT(HBO)
private doctors: walk-in medical centres	PD(M)
private doctors (other)	PD
private doctors: independent medical agencies	PD(IMA)

Registers relating to residential family centres, domiciliary care agencies, nurses agencies and fostering agencies

9. In the case of the register relating to—

- (a) residential family centres, the code RFC;
- (b) domiciliary care agencies, the code DCA;
- (c) nurses agencies, the code NA;
- (d) fostering agencies, the code IFA.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to England only. Part I of the Act establishes, in relation to England, the National Care Standards Commission (“the Commission”). Part II provides for the registration and inspection by the Commission of the following descriptions of establishments and agencies: children’s homes, independent hospitals, independent hospitals in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983, independent clinics and independent medical agencies and care homes (sections 1 to 3 of the Act); and residential family centres, domiciliary care agencies, fostering agencies, nurses agencies and voluntary adoption agencies (section 4 of the Act).

These Regulations make provision in relation to the registration of the establishments and agencies referred to above, except for voluntary adoption agencies, for which the relevant provisions of the Act are not in force.

Under Part II of the Act, the Commission has the function of granting or refusing applications for registration under the Act. It may grant registration subject to conditions and may vary or remove any condition or impose an additional condition. It also has power to cancel registration.

Regulations 3 and 4 of, and Schedules 1 to 6 to, these Regulations specify the information and documents that are to be provided by an applicant for registration.

Regulation 5 requires the responsible person to attend an interview. Regulations 6 and 7 require the applicant to give notice of certain changes that take place, or details of staff engaged, after the application for registration is made and before it is determined.

Regulation 8 requires the Commission to keep a register in respect of each description of establishment or agency. It provides, together with Schedule 7, for the information that each register is to contain.

Regulation 9 specifies the particulars that any certificate of registration is to contain.

Regulation 10 requires a person who is registered in respect of an establishment or agency to return the certificate to the Commission if the registration is cancelled. Failure to comply with that requirement is an offence under regulation 11.

Regulation 12 makes provision in respect of an application by the registered person to apply for the variation or removal of a condition in relation to his registration.

Regulation 13 requires the registered person to report the relevant circumstances to the Commission if it appears that the establishment or agency is likely to cease to be financially viable.

Regulation 14 specifies certain grounds on which the Commission may cancel a person’s registration. Other grounds on which registration may be cancelled are specified by section 14 of the Act.

Regulation 15 provides for the registered person to apply for his registration to be cancelled.

£3.50

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under the authority and superintendence of Carol Tullo,
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Acts of Parliament

E 2221 1/02 ON (MFK)