

Notifiable events – when is formal regulatory action, including Variation, required – guidance for care service providers

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Where there are certain events or changes in a registered service providers must advise us of these. A number of proposed changes will require us to take formal regulatory action and others simply require us to be notified of these. The scenarios outlined in this guidance identify the outline of the action required particularly around variations.

When we consider an application to add, vary or remove a condition of registration we must make sure we receive all the relevant information from the applicant in order to make a proper assessment. We must fully assess the impact of the variation being applied for. For example how the variation impacts upon the existing service users; staffing levels; the use of the accommodation; arrangements for transporting children including valid vehicle insurance and so on.

Once a care service is registered and operating the following are the only ways of adding; changing or removing conditions of registration.

- We can propose that conditions should be attached, removed or varied via Enforcement action (Section 66 notice).
- We can give you notice (“an emergency condition” notice) putting a new condition on your registration which takes effect immediately (Section 67 notice).
- You can apply for a new condition to be added; or apply for a variation to an existing condition or removal of an existing condition (Section 70).

We can only grant or refuse an application to vary a condition – we cannot change the detail of the variation that you have requested. Where an applicant subsequently decides that they no longer wish the variation request to be progressed e.g. if it is no longer necessary due to a change of circumstances, then the request must be made in writing and this will subsequently be acknowledged in writing by Social Care and Social Work Improvement Scotland (throughout referred to as Care Inspectorate) as having been withdrawn.

As a provider you, or someone authorised on your behalf, must complete the form ‘Application to add, vary or remove conditions(s) of registration. You should complete this using the online version of the form available via our ‘online’ eform system. Unless otherwise agreed with Care Inspectorate the date the addition, variation or removal is to take effect from must **not be less than three months after the date of application**. When we receive an application the variation process will be progressed by Care Inspectorate following its standard operational processes to either the stage of either granting the request and issuing a revised Certificate of Registration or formally refusing it.

N.B. This guidance refers only applications for variations of services provided and registered under Chapter 3 of the PSR Act 2010 (The Act), which excludes those Local Authorities providing services registered under Chapter 4 of the Act e.g. fostering and adoption.

Scenario	Variation, Cancellation or Notification?	Provider action	Care Inspectorate action	Associated Fee as currently applied by Care Inspectorate
<p>Change of Manager – all service types</p> <p>Note: where the incoming manager is an already ‘fit’ manager moving from within a provider’s existing registered services (for example within a local authority’s services) full reference information and so on may not be necessary depending on individual circumstances.</p>	Notification.	<p>Submit a formal Change of Manager Notification Report (via provider eforms system).</p> <p>Complete and submit the form ‘Confirmation of fitness notification to Care Inspectorate: Appointment of Manager’.</p>	Once the information has been reviewed and the relevant processes completed by Care Inspectorate staff a revised registration certificate will be issued.	Nil
<p>Change of service or premises address for non-‘premises/accommodation based’ services:</p> <ul style="list-style-type: none"> • housing support • support service - care at home (including those linked to hospices) • fostering • adoption 	Notification.	Submit a formal Change of Premises Notification Report (ideally via provider eforms system).	Once the information has been reviewed and the relevant processes completed a revised registration certificate will be issued.	Nil

<ul style="list-style-type: none"> • nurse agencies • childcare agencies • adult placement 				
<p>Change of service or premises address – all premises based services, so:</p> <ul style="list-style-type: none"> • childminders • care homes • support service - day care (where premises based) • day care of children • school care accommodation • secure care accommodation • offender accommodation (where premises based). 	Variation.	<p>Complete and submit the form 'Application to add, vary or remove conditions of registration'. Note the request must be made using this form. This effectively also acts as the Notification of Change of premises.</p> <p>(This form should be accessed via our website or submitted electronically via the Care Inspectorate provider eform system)</p>	Once the Application and additional supporting information, as necessary, has been reviewed variation procedures including, where necessary, site visits, will be progressed and where approved a revised Certificate of Registration issued	Nil
Change of Service Name	Notification	<p>Submit a formal Notification – Change of Service Name.</p> <p>Where the service is e.g.a childminder this effectively is also a change of provider name</p>	<p>On receipt of Notification Care Inspectorate will request any additional supporting information as appropriate and then make necessary changes to our data base.</p> <p>A revised Certificate of Registration will be issued</p>	Nil
Change of Provider address –	Notification.	Complete and submit a	Ensure that the address to be	Nil

non premises based services		formal Change of Provider's address Notification (ideally through the provider eforms system).	<p>changed is the actual registered provider address (as detailed on existing Certificate of Registration/PMS) and that in addition there is no change to the legal identity of the actual registered provider.</p> <p>If necessary, we will validate the change against information held on eg Companies House; OSCR and may request that you provide additional supporting information on the change</p> <p>Issue a revised registration certificate.</p>	
Change of Provider address – premises based service where the Provider address is also the service address e.g. childminder	Variation	As per change of service address:- Complete and submit the form 'Application to add, vary or remove conditions of registration'. Note the request must be made using this form.(This should be accessed via the Care Inspectorate provider eform system).	Action as per change of service address:- Once the Application and additional supporting information, as necessary, has been reviewed variation procedures including, where necessary, site visits, will be progressed and where approved a revised Certificate of Registration issued	Nil
Addition of, change to, or removal of, an existing condition of registration, for example: <ul style="list-style-type: none"> change in registered 	Variation.	Complete and submit the form 'Application to add, vary or remove conditions of registration'. Note the request must be made using this	Once the Application and additional supporting information, as necessary, has been reviewed variation procedures including, where necessary, site visits, will be	Nil

<ul style="list-style-type: none"> • places or numbers • change of client group (for example, from over to under 3 years and so on) • numbers of staff (i.e. if a dated Staffing Schedule is specifically included within the existing conditions of registration); • any service or service type specific conditions currently applied • time limited condition. 		<p>form.(This should be accessed via the Care Inspectorate provider eform system)</p>	<p>progressed and where approved a revised Certificate of Registration issued</p>	
<p>Housing support and agency services – increasing or decreasing staff numbers by more than the percentage detailed on the existing condition.</p>	<p>Notification (unless a specific staff WTE is detailed on condition in which case a variation would be required).</p>	<p>Complete and submit a Notification Report</p> <p>OR</p> <p>Legislation requires that where staff numbers identified in a condition of registration increase or decrease by the percentage specified in the condition, providers of these service types must notify Care Inspectorate.</p> <p>Where an existing condition</p>	<p>Consider the notification and if agreed, write to the provider to confirm.</p> <p>Where it has been identified that a variation is required Care Inspectorate will progress variation procedures as normal.</p>	<p>Nil</p>

		<p>of registration this, as detailed on your Certificate of Registration, outlines a specific staff W.T.E from which an increase/decrease is to be based then this actually requires a formal Variation request to have this changed as opposed to a notification – please discuss with Care Inspectorate if you are not clear what action is required to support this change</p> <p>Where necessary Care Inspectorate may require you to submit a formal 'application to add, vary or remove a condition of registration' form.</p>		
<p>Combined housing support and support – care at home services where one of the registered services is to be cancelled.</p>	<p>Notification/cancellation.</p>	<p>Notify Care Inspectorate by completing and submit a Proposal to Cancel form (available from our website).</p> <p>Note: legislation requires that a minimum of 3 months notice be given before any cancellation can take effect (unless earlier timescale agreed in writing</p>	<p>Review the cancellation proposal to cancel. Ask for any additional information, if necessary.</p> <p>Carry out the cancellation process.</p> <p>Where a provider wishes to cancel their service with less than 3 months notice, this must be agreed in writing by Care Inspectorate.</p>	<p>Nil</p>

		by Care Inspectorate		
Provider of multiple housing support and support – care at home services where these are to be subsumed into a reduced number of services.	<p>1. Notification /Cancellation for the service(s) no longer being operated.</p> <p>2. Variation for the remaining service(s) if this changes their existing conditions of registration for example staff numbers, client group, size and so on.</p>	<p>Notify Care Inspectorate by completing and submitting Proposal to Cancel and Variation forms as appropriate.</p> <p>(These are currently available to submit via the provider eforms system.)</p> <p>Note: legislation requires that a minimum of 3 months notice be given before any cancellation can take effect (unless earlier timescale agreed in writing by Care Inspectorate).</p>	<p>Assess whether the variation is appropriate by considering issues such as the:</p> <ul style="list-style-type: none"> • number of tiers and span of control of the existing service • service size • arrangements for managing the service • service location • dispersed services guidance. <p>If a variation is an appropriate response to the situation, then carry out variation procedures, including a site visit if appropriate.</p> <p>Carry out the cancellation process for the registration to be cancelled.</p> <p>Cancellation and variation processes will timed to complete at the same time.</p> <p>Issue a revised registration certificate.</p>	Nil
A provider of a combined service wishes to cancel both registered service types (for example housing support/care at home).	Cancellations.	<p>Complete and submit Proposal to Cancel forms for each service (available to submit via eform system).</p> <p>Note: legislation requires that a minimum of 3 months</p>	<p>Review the proposals to cancel and ask for additional information, if necessary.</p> <p>Carry out the cancellation process.</p> <p>Where a provider wishes to cancel its</p>	Nil

		notice be given before any cancellation can take effect (unless earlier timescale agreed in writing by Care Inspectorate	registration with less than 3 months notice, this must be agreed in writing by Care Inspectorate.	
Provider of existing registered day care support service wishes to also provide a care at home support service. Where the new provision is consistent with the overall aims and objectives of the existing registered service and will not be separately carried on nor managed separately from the existing registered service.	Variation.	Complete and submit the form 'Application to add, vary or remove conditions of registration'. Note the request must be made using this form. This should be accessed either via the Care Inspectorate provider eform system.	Once the Application and additional supporting information, as necessary, has been reviewed variation procedures including site visits (if appropriate) will be progressed and where approved a revised Certificate of Registration issued.	Nil
Provider wishes to expand an existing registered service into a new type of service delivery, for example a care home wishing to begin providing a different type of care service, for example day care facilities.	Application to register.	Provider must complete and submit the form 'Application to register a care service'. This should be done via the Care Inspectorate website	Carry out the standard registration process. Issue a registration certificate.	Application Fee as per agreed fee structure (details available on Care Inspectorate website)
Provider wishes to provide respite care, within an existing registered service for example a care home service. Where the new provision is consistent	Notification or Variation - if Provider requires that respite care be specifically stated as a condition	Complete and submit a Notification Report via the provider eforms system and provide relevant supporting information for the proposal.	Care Commission will consider request in accordance with relevant guidance and procedures and as appropriate issue revised Certificate of Registration.	Nil

<p>with the overall aims and objectives of the existing registered service and will be carried on and managed as part of the existing registered service.</p>	<p>on their Certificate of Registration.</p>	<p>or</p> <p>Complete and submit the form 'Application to add, vary or remove conditions of registration'. Note the request must be made using this form. This should be accessed and submitted electronically via the Care Inspectorate provider eform system.</p>	<p>or</p> <p>Once the Application and additional supporting information, as necessary, has been reviewed variation procedures will be progressed and where approved a revised Certificate of Registration issued</p>	
<p>Provider sells the service to another individual or organisation which proposes to provide the care service.</p> <p>N.B Where there is a sale of a Company's shares in their entirety and the company's registration with Companies House remains unchanged there is no requirement for cancellation/new registration and the Care Inspectorate requires only to be notified of the changes in individual;</p>	<p>Cancellation and Application to register.</p>	<p>Existing provider completes and submits a Proposal to Cancel form.</p> <p>Prospective provider submits Application to register a care service. This should be done via the Care Inspectorate website.</p> <p>These should be planned in order to ensure continuity of care for service users</p>	<p>Undertake standard cancellation and registration procedures. The existing provider will remain registered and responsible until the registration has been cancelled. The new provider cannot legally provide the care service until successful in being granted registration. The date of cancellation should be arranged to coincide with the grant of new registration as far as is possible to ensure continuity of care. There cannot be two providers of the same care service at any one time.</p> <p>Once all regulatory procedures are satisfactorily completed a Certificate of registration will be issued to the new Provider and a letter confirming cancellation of registration sent to the</p>	<p>Application Fee as per agreed fee structure (details available on Care Inspectorate website)</p>

			<p>previous provider.</p> <p>Where changes relate to 100% share sale new directors etc will be required to complete 'change of relevant individual documentation and undertake additional 'fit person' checks as identified</p> <p>.</p>	
<p>Changes to relevant individuals within a currently registered provider entity e.g changes to committee members; directors; partners wherein the legally registered provider entity itself does not change</p>	<p>Notification</p>	<p>Notify Care Inspectorate of any changes via eform system</p>	<p>Committee member; directors etc will be required to complete a 'change of relevant individual form (available via Care Inspectorate website) which covers the legal 'declarations. The Care Inspectorate will then further undertake 'fit person' checks on currently 3 identified 'office bearers' inc personal references; PVG checks etc</p>	

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অনুরূপে ঐসাপক্ষে এই প্রকাশনাটি অন্য ফরম্যাট এবং অন্যান্য ভাষায় পাওয়া যায়:

Tha am foillseachadh seo ri fhaighinn ann an cruthannan is cànan eile ma nithear iarrtas.

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