



Guidance on registration of nurse agencies

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Registration of nurse agencies

Context and purpose

This guidance sets out the position of the Care Inspectorate in relation to the registration of nurse agencies. We can advise potential applicants before they apply to register. Information about registration and how to contact us for advice is on [the Care Inspectorate website](#).

This guidance helps Care Inspectorate staff in the registration and regulation of nurse agencies and will help applicants wishing to register nurse agency services. It will also help existing service providers making changes to registration including a change of manager.

We support service innovation, promote improvement and seek to ensure that people receive the quality of care to which they are entitled. Nurse agencies operate in a range of different health and social care settings and may include providing a service within a person's own home. As a result, nurse agency applications may not always share uniform operational arrangements.

1. The legal definition of a nurse agency

The Public Services Reform (Scotland) Act 2010 ("the Act") defines a nurse agency as "a service which consists of or includes supplying, or introducing to persons who use the service, registered nurses, registered midwives or registered health visitors; but a service may be excepted from this definition by regulations".

2. Scope of service provision

Given the wording of the definition, we consider the scope of service provision to cover where nurses are provided to registered care services, health care settings and individuals in their own homes.

The **introduction or supply** of nurses in the following situations would fall within the nurse agency definition and would be required to register with the Care Inspectorate as a nurse agency.

- a) A service that **introduces** nurses to individual clients, care services or health care settings but has no ongoing accountability for those nurses.
- b) A service that **supplies** nurses to individual clients, care services or health care settings, whether occasionally or regularly.
- c) A service that supplies or introduces occupational health nurses, where they are registered nurses.

The definition covers employment or recruitment agencies that supply or introduce registered nurses, registered midwives or registered health visitors to anyone using

the agency. We will only regulate that aspect of the employment or recruitment agency which supplies or introduces nurses, midwives or health visitors. We will not regulate any aspect of the business that deals with the supply or introduction of other types of workers (for example carers, cleaners, administrators or other healthcare workers). Where an agency provides care workers to individuals in their own homes, they may need to register as a support service).

We will expect the provider to be in a position of ongoing accountability for the nurses supplied and to meet all the relevant legal obligations to support planning, staffing, fitness and training of the manager and employees. Where the agency is solely an introductory service for registered nurses, midwives and health visitors, we require the provider to meet all the relevant obligations for safer recruitment and fitness but would not expect ongoing accountability for nurses achieving permanent employment elsewhere.

3. Quality matters

It is important to ensure that any potential providers understand that if they wish to provide a nurse agency service in Scotland, then they will have to register with the Care Inspectorate. It is an offence to operate a care service without registration. In assessing applications, we must be satisfied that applicants will be able to comply with the Act and regulations made under the Act. We will also take account of [the Health and Social Care Standards](#) when making a decision about the application and applicants should be aware of what is expected of them in relation to these.

4. The manager of a nurse agency.

It is important to determine whether the nurse agency intends to introduce or supply nurses (or do both) as this may influence what expectations we will have of the provider's management arrangements, and it will have a bearing on the conditions of registration.

The registered manager is responsible for ensuring that the necessary ongoing professional evaluation, competence, development, and assessment of training needs of registered nurses, midwives and health visitors is carried out.

We may agree to the manager of a nurse agency being someone who is not a registered nurse where it can be demonstrated that they hold a relevant qualification (normally a management qualification) and have relevant experience in the nurse agency sector, social care or healthcare. It will be at the sole discretion of the Care Inspectorate to determine whether it is satisfied that the Act and regulations will be complied with in situations where an alternative qualification is held. In these circumstances, we will almost always require that the service has an identified registered nurse responsible for placing nurses, recruitment and identifying the nurses' scope of practice, as well as the professional oversight of registered nurses. The applicant must demonstrate to the satisfaction of the Care Inspectorate that it has systems in place for supervision, support and governance of registered nurses by a registered nurse.

During the times nurses are placed in services or with individuals, we will expect them to have access to an on-call registered nurse employed by the agency who has suitable skills and experience to carry out the on-call support role.

5. The person placing registered nurses

The person responsible for making decisions about placing nurses will almost always be a registered nurse (or midwife if placing midwives) with the relevant knowledge, skills and experience. The role will also include assessing the needs of the placement in order to make appropriate placement decisions.

This supports an understanding of the requirements of the placement, and the type of care needs to be met and delivered by the agency nurse. This will normally be the subject of a condition of registration.

6. The care service address

The applicant must demonstrate that they can comply with the Act and its regulations. We would expect applicants to demonstrate that the service can be operated effectively from the proposed care service address and that the service is available for unannounced inspections, complaint investigations and other regulatory activity.

Where the care service address is outside Scotland, we will expect the registered service to have a clear regulatory protocol in place that identifies a Scottish base for our regulatory activity to be conducted. A specific condition of registration for these services may be applied in relation to this.

7. Assessment

Early discussion should address:

- the Act,
- regulations made under the Act
- any other legislation that appears relevant
- the Health and Social Care Standards.

Applicants should be able to demonstrate how they will comply with these. The Care Inspectorate must be satisfied that the applicant will be able to comply with the Act and regulations made under the Act, before granting registration.

The scope of the application will be considered, including the following core elements.

- The aims and objectives of the service to include proposed locality and management arrangements.

- Client assessment and placement protocols. It is recommended that applicants undertake systematic assessments to assess clients' requirements, environments of care and any specific factors that inform appropriate staff matching.
- An organisational diagram illustrating the proposed structure and lines of reporting, along with details of proposals for staff support and supervision, quality evaluation and healthcare governance arrangements will be sought from applicants.
- The arrangements in place that detail how the service will support the revalidation of registered nurses.
- Policies and procedures. Key policies include recruitment, professional development and review, assessment and placement protocol, infection prevention and control, adult and child support and protection, complaints, medication (depending on the inclusion of domestic placements) and mandatory training such as moving and handling, fire safety and so on.

This is not an exhaustive list, and further additional information may be sought from applicants. In addition, these are not the only factors we will take into account when considering an application for registration. We will consider all the information in the application when reaching a decision about registration.

8. Conditions of registration

Section 74 of the Act allows conditions to be applied to any care service in respect of the **number of persons** to whom the service may be supplied.

In terms of section 60 of the Act, a grant of registration may be subject to such conditions as the Care Inspectorate thinks fit.

We will consider each application on its own merits and circumstances and take a range of factors into account in considering whether conditions are appropriate.

Factors we consider may include, but are not limited to:

- the proposed service size
- location of the manager and geographical spread
- anticipated extent of service provision (for instance the number of placements or clients at any one time)
- any previous relevant regulatory history of the proposed provider
- the manager's qualifications and experience.

The Care Inspectorate must be satisfied that a care service provider will be able to comply with the Act and its regulations, taking account of the Health and Social Care Standards and this will be our main consideration when assessing the application.

Standard conditions

The following conditions will typically be considered for the registration of a nurse agency.

1. The service will supply or introduce registered (nurses/midwives/health visitors) to (scope (for example care homes/people in their own homes)).
2. Any staff member responsible for placing nurses must be a registered nurse, (or midwife if placing midwives) with the appropriate qualifications, skills and experience.
3. During the times that nurses are placed in services or with individuals, they must have access to an on-call registered nurse employed by the agency.
4. The service must ensure that all nurses it places are registered with the relevant regulatory and professional bodies, and on the relevant parts of the register in respect of the work they are to be carrying out.

Other conditions

Other types of conditions may be applied, for example regarding the numbers of placements or people using the service, the geographical spread of service provision and client group.

Where a condition limits the geographical area of service provided, we would require the service provider to apply for a variation if and when they wish to extend the service provision.

9. The role of the health or social care assistant

Regulation of nurse agencies providing carers other than registered nurses, midwives or registered health visitors

Where a service supplies or introduces carers or any other health professional other than registered nurses, midwives or health visitors to registered care service providers, the Care Inspectorate will not regulate this aspect of the service, as it is not a care service that requires registration under the Act. We will only regulate the part of the service that supplies or introduces registered nurses, midwives or registered health visitors.

Where a nurse agency also supplies or introduces care staff who are not required to be registered with the NMC to people in their own homes, that will likely fall within the definition of a support service and may be required to register as such. Applicants and providers should always check with the Care Inspectorate.

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