



## APPLICATION FOR REGISTRATION AS PERSON RESPONSIBLE FOR CARRYING ON AN ESTABLISHMENT OR AGENCY - GUIDANCE NOTES

### Introduction

Regulations pertaining to the individual regulated service types prescribes that the RQIA needs to be assured of the person responsible for overseeing the management of registered establishments and/or agencies. Whenever there is a change to the responsible individual (in the case of the provider of regulated services being an organisation) or when another partner joins a partnership which carries on one or more establishments and/or agencies, the new responsible person is required to make an application to the Regulation and Improvement Authority in accordance with *The Health and Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003* and its associated regulations, in particular the *Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005*.

### 1. Information about the provider organisation

#### Purpose of Application

Please select the purpose of the application.

#### 1.1 Name of Organisation or Partnership

Please provide the name of the organisation, partnership or business

#### 1.2 Responsible Person (s)

The definition of a responsible person as per The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 are as follows:

#### 1.3 List of Establishments carried on by the organisation or partnership

Please provide details in respect of all registered service that are carried on by the organisation or partnership and whose management the responsible person will oversee. This is required to ensure that the suitability of the responsible person can be assessed against the appropriate services.

### 2. Information about the Responsible Person

The responsible person can either be a partner (in the case of a partnership) or an individual (in the case of an organisation). The responsible individual is defined in legislation as the director, manager, secretary or other officer of an organisation who is responsible for supervising the management of an establishment or agency.

Note that where an Individual carries on one or more registered establishments, and the individual changes (i.e. purchase) a full new application will be required. Please refer to the RQIA's guidance on the registration of a new establishment/agency.

Please provide all required details. Please provide your email details if you deem this a suitable method of communication with you.

### **3. Qualifications**

Details of his professional or technical qualifications relevant to providing services for persons to whom services are to be provided at the establishment or by the agency. This should be supported by certificates or other suitable evidence to be enclosed in the application pack (see section below on required documentation).

### **4. Registration with Professional Bodies**

Details of any registration with professional bodies relevant to the application, if applicable. Please note that the Regulation and Quality Improvement Authority (RQIA) may verify the status of your membership as part of the registration process.

### **5. Experience**

Please complete all required sections ensuring you provide a full employment history, including history of management experience within health and social care, together with a written explanation of any gaps in employment. Detail in particular any experience relevant to carrying on the type of establishment or the agency in respect of which you are seeking to be registered.

### **6. Other Relevant Experience/Training**

Please include any other experience or skills which you consider relevant to this application. Details of any professional training relevant to the carrying on of an establishment or agency should also be included. All information provided by you will be considered by the RQIA when reaching a decision with respect to your application for registration.

### **7. Other Business Interests**

Please provide details of any business currently or previously carried on by you as per legislative requirements.

### **8. References**

Please provide the names and addresses of two persons who are willing to provide a satisfactory reference in respect of the requirements of your prospective registration and who meet the following criteria:

- (a) Are not related to you
- (b) Each of whom are able to provide a reference as to your competence to carry on an establishment or agency of the same description as the establishment or agency in respect of which you are applying for registration
- (c) At least one of whom has employed you for at least 3 months
- (d) One of whom is the applicant's present or most recent employer

If the requirement at point (c) or (d) is impracticable an alternative referee should be provided and the reason clearly stated on the application form.

### **9. Statement of Financial Standing**

This is a statement from the responsible person required in the legislation, stating whether they have ever been declared bankrupt, or if the estate has been placed in receivership. Should you have been adjudged bankrupt, or sequestration of your estate has been ordered, or you have made a composition or arrangement with, or granted a trust deed for, your creditors, please provide details.

### **10. Medical Fitness**

You should request your General Practitioner to sign section 6 of the Application Form, as to your physical and mental fitness. If you are unable to provide a signed report from your General Practitioner, then you should complete the self declaration at section 6a.

### **11. Rehabilitation of Offenders**

Under the Rehabilitation of Offenders (Exceptions) Order (NI) 1979, you are required to provide information about convictions, cautions and bind-over orders which would otherwise be considered as spent. You are also required to disclose information of any outstanding prosecutions or pending court action against you. Please include all offences, even minor matters such as motoring offences.

Note that in addition *The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005*, Regulation 3(3) Schedule 3, Para 12 requires an Enhanced Criminal Record Certificate to be disclosed as part of your application for registration. It is important that you are aware that this Enhanced Disclosure will reveal details of spent and unspent convictions and cautions. It will also contain any other relevant information about you, which is held in police records or by other law enforcement agencies. For more details see the information on the completion of the AccessNI Disclosure application form within Section 3 - Submission of Documentation.

### **12. Documents to be supplied in respect of the application**

This section provides guidance on the prescribed documents required. A checklist has been added to the application form for your convenience. Please use this to ensure that all required documents are enclosed. Only applications received containing all required documents will be accepted. Should you fail to provide the required documentation, your application will be returned to you requesting resubmission or the RQIA may be forced to refuse your application which may still incur a fee.

You will be required to submit the following to the RQIA as one complete application:

1. Fully completed application form  
including statement of medical fitness  
Including statement of financial standing
2. Photograph
3. Birth Certificate or any other equivalent identification
4. Documentary evidence of qualifications (if required)
5. The case tracking number for your online AccessNI application
6. Cheque of £ 33 payable to RQIA
7. Valid identification documents (3 or 5)  
As per AccessNI Guidance Document
8. Evidence of professional indemnity insurance(if applicable)

Further details in respect of Documents 2-8 is outlined below:

*Identification Documents Required by the RQIA*

The registration regulations require the following two items –

- One passport sized photograph which will be retained by the RQIA. It must be recent, and a true likeness of you. Please sign and date the photograph.
- A copy of your birth certificate or any other equivalent means of identification. Documents deemed equivalent by the RQIA to establish your identity are a photocopy of your current passport or driving licence (both parts).

*Identification Documents Required by AccessNI*

These differ from the requirements for documents by the RQIA. Details can be found in the Appendix 1 list below. It is important that you enclose the relevant documents as failure to do so will result in your application being returned to you. At least one of these documents should contain photographic identification.

All original identification documentation will be returned to you by recorded delivery, marked confidential to your business address.

*Documentary evidence of qualifications*

You should provide copies as evidence relating to your professional, technical or vocational qualifications, including accredited training, so far as they are relevant to providing services for persons for whom services are to be provided at the establishment or agency and that are relevant to your application.

*Details of Any Professional Indemnity Insurance*

Please provide a copy of your current certificate of any professional indemnity insurance. Note that this is only a requirement for applications for registration in respect of Independent Health Clinics, Independent Hospitals, Medical Agencies, Nursing Agencies and Domiciliary Care Agencies.

*AccessNI Enhanced Records Disclosure Application Form*  
*The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005, Regulation 3(2) (b) Schedule 2* requires an Enhanced Criminal Record Certificate to be disclosed as part of your application for registration. The application for this Disclosure must be countersigned by the RQIA.

An Enhanced Disclosure will be obtained by making application to AccessNI using the enclosed Disclosure Application Form. The RQIA cannot make an application for an enhanced records disclosure without your consent. It is important therefore that if you wish to apply for registration that you complete the Disclosure Application Form. Disclosure applications should be made by online submission.

In order to make an online application, you should access the following web link - <https://www.nidirect.gov.uk/services/apply-online-enhanced-check-through-registered-body>, and select the option for an enhanced disclosure check through a registered body.

If you do not already have an account with NI Direct, you will need to create one. When you proceed through the web form, you will be prompted to provide a PIN number. Please enter the following number – **540330**. You should follow the instructions on screen in order to complete your disclosure application. When you have completed and submitted your web form, please make a note of your case reference number.

When submitting your application to register with RQIA you should note that your AccessNI disclosure application has been made online. You should quote your case tracking reference number in the supporting documents checklist at the back of your RQIA application form.

You must submit your original identification documents and AccessNI fee payment along with your application to register with RQIA (please refer to the guidance below). Please ensure that an accompanying payment of £33 should be made to RQIA by either cheque or by BACS (see Section on fee payments below).

The RQIA will verify your identity, countersign the application form and forward this and the payment directly to AccessNI. AccessNI will not process the application unless payment has been received together with the application form.

AccessNI will issue one copy of the enhanced disclosure certificate: Under AccessNI's procedures, RQIA does not receive a copy of your disclosure certificate but will receive a notification that the certificate has been issued and whether or not a trace history was returned. If you dispute any of the information disclosed about you, please contact the Registration Manager at

the RQIA without delay. Disputes must be raised with AccessNI within three months from the date of issue of the Disclosure Certificate.

AccessNI will not issue a hard copy certificate unless you specifically request one or if a trace history is returned. Otherwise, they will email you to confirm the disclosure check has been completed and a digital certificate can be accessed through your NI Direct account. RQIA can accept a digital certificate where there is a null return and your account will give you the option to share your certificate with the registered body. You should select 'share' and enter the email address [registration@rqia.org.uk](mailto:registration@rqia.org.uk).

If your disclosure certificate does contain information, you will receive a hard copy certificate which you need to submit to RQIA. You should post your certificate to the Registration Team at the address below as soon as possible after you receive it. Please mark your envelope **CONFIDENTIAL**. Alternatively you can bring the certificate to the RQIA office, Belfast in person between office hours Monday-Friday.

The Registration Team  
Regulation and Quality Improvement Authority  
James House  
2-4 Cromac Avenue  
Gasworks  
Belfast  
BT7 2JA

The RQIA will comply with the AccessNI Code of Practice with respect to the handling, storage, usage, retention and disposal of any information we receive about you, as a result of an application for an Enhanced Criminal Disclosure Certificate.

All registered signatory bodies are required to adhere to AccessNI's Code of Practice. This document can be accessed online and downloaded through the following link - <https://www.nidirect.gov.uk/publications/accessni-code-practice>.

Once a registration decision has been made in respect of your application, your disclosure certificate will be posted back to you.

Please be aware that the Enhanced Disclosure will reveal details of spent and unspent convictions and cautions. It will also contain any other relevant information about you, which is held in police records or by other law enforcement agencies. Disclosure of a criminal record or other information will not automatically debar you from becoming registered unless the RQIA considers the information disclosed to render you unsuitable. In reaching this decision the RQIA will consider whether the matter revealed is relevant to your application, the seriousness of the matter, the length of time since it occurred and any other factors which may be relevant. Any matters disclosed

on the certificate which may cause a delay or possibly prevent your application from proceeding will be discussed with you in confidence by an authorised person from the RQIA.

*£ 33 Payment to RQIA (AccessNI Fee)*

As outlined previously, the RQIA is required to countersign an application for an enhanced records disclosure in respect of an applicant for registration. To do so, the applicant is required to make a payment of £33 in respect **of each responsible person applying for registration** to the RQIA.

Fee payments can currently be made by cheque or BACS payment.

Cheques should be made **payable to RQIA**

BACS payment details are as follows:

<b>Sort Code</b>	902127
<b>Account No</b>	88056622

Failure to submit the appropriate fee will result in the application being returned to you.

### **13. Declaration Section**

Please read the declaration section carefully.

Note that it is an offence under *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003* to knowingly make a statement which is false or misleading in a material respect.

Note that in the case of persons responsible for the carrying on of Children's Homes, Domiciliary Care Agencies and Residential Care Homes, the requirement to adhere to other standards set by professional bodies and standard setting organisations in particular includes adherence to the NISCC Code of Practice for Employers of Social Care Workers

### **ASSESSMENT OF APPLICATION**

Following the receipt of all required documentation as well as the vetting information in relation to the Responsible Person (s), the RQIA will assess the application for registration to carry on an Establishment or Agency in light of the regulations

Regulations require the RQIA to ensure that the Responsible Person -

- (a) is of integrity and good character;
- (b) is physically and mentally fit to carry on the agency;
- (c) that full and satisfactory information is available in relation to him as outlined in this guidance

The registered provider is also required, having regard to the size of the Establishment/Agency, its statement of purpose and the number and needs of service users and adult placement carers, to carry on the establishment with sufficient care, competence and skill.

In terms of the Responsible Person for Children's Homes the RQIA also needs to have been given assurance that the Responsible Person -

- (a) will adhere to the Northern Ireland Social Care Council and Code of Practice for Employers of Social Care Workers;
- (b) is not disqualified for the purposes of the Disqualification of Caring for Children Regulations (Northern Ireland) 1996.

In terms of the Responsible Person for Domiciliary Care Agencies and Residential Care homes adherence to the Northern Ireland Social Care Council Code of Practice for Employers of Social Care Workers also applies.

As part of the assessment of the fitness as outlined above an Inspector or other Officer of the RQIA will arrange to meet with the all responsible persons. This is referred to as the Responsible Person interview which you will be required to attend under Regulation 5 of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005. Following the receipt of all documentation in respect of the applicant, the RQIA will contact the Responsible Person(s) to arrange a suitable time and venue for the interview.

The individual regulations also stipulate that that a person shall not carry on an agency if—

- (a) he/she has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he/she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) he/she has made a composition or arrangement with his/her creditors and has not been discharged in respect of it.

For this reason, financial documentation in respect of the responsible person will also be reviewed as part of the registration process.

## **COMPLAINTS**

RQIA operates a complaints procedure that allows any applicant to make a complaint if they consider the RQIA has not followed its registration procedures. The complaints procedure cannot be used to challenge a decision made. Decisions may be challenged by making a written representation after a Notice of Proposal has been issued or by appealing to the Care Tribunal after a Notice of Decision has been issued.

## **DATA PROTECTION ACT 1998 - FAIR PROCESSING NOTICE**

Personal data in this form may be accessed and used in accordance with RQIA's requirements as outlined in The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and associated Regulations in line with the RQIA's registration and notification with the ICO under the Data Protection Act 1998 and in compliance with the Freedom of Information Act 2000. To comply with statutory and government requirements, data may be disclosed to external agencies such as (but not exclusively): DHSSPSNI, NIAO, AccessNI. RQIA will not disclose any personal information to any third parties without the express consent of the



Data Subject, except where required by law. From January 2005 personal data may, in exceptional circumstances where the public interest outweighs the individual's rights to privacy, be released under the auspices of the Freedom of Information Act 2000. Any queries concerning Data Protection and Freedom of Information should be addressed to the Head of Information within the RQIA.

Contact details and further information in relation to the use of personal data can be found on RQIA's web site <http://www.rqia.org.uk>. For general information please visit <http://www.informationcommissioner.gov.uk>.

## **APPENDIX 1 – AccessNI's Acceptable forms of identification**

You must send three forms of ID to AccessNI. One document from Group 1 and two documents from Group 1, Group 2a or Group 2b. One document must show your current address.

If you can't provide a document from Group 1, you must send four documents from Groups 2a and 2b. One document must be a birth certificate. One document must show your current home address.

If you can't provide these documents, contact AccessNI:

- telephone 0300 200 7788

You might need:

- to get an external validation check from a commercial organisation
- to go to a police station to have your fingerprints taken

### **1.1 Group 1 identity documents**

You must select one from the list below:

- current passport (any nationality)
- Biometric Residence Permit (UK)
- current driving licence (UK, Ireland, Isle of Man, Channel Islands or any EEA country)
- original birth certificate (UK, Isle of Man or Channel Islands) issued at time of birth
- original long form Irish birth certificate issued at time of registration of birth (Ireland)
- adoption certificate (UK, Isle of Man or Channel Islands)

### **1.2 Group 2a identity documents**

You must select two from the list below:

- birth certificate (UK, ROI, Isle of Man or Channel Islands) issued after time of birth

- marriage/civil partnership certificate (UK, Ireland, Isle of Man or Channel Islands)
- HM Forces ID card (UK)
- firearms licence (UK and Channel Islands)
- current driving licence photocard (full or provisional) all countries outside the EEA
- current driving licence, full or provisional paper version if issued before 1998 (UK, Isle of Man, Channel Islands, EEA)
- electoral ID card (NI only)
- Immigration document, visa or work permit (issued by a country outside the EEA - valid only if the applicant is working in the country that issued the document)

### **1.3 Group 2b documents**

From the list below, you must use documents issued in the last 12 months:

- mortgage statement (UK, EEA)
- financial statement such as ISA, pension or endowment
- P45 or P60 statement (UK, Channel Islands)
- Land & Property Services rate bill
- property tax statement from council (Great Britain, Channel Islands)

From the list below, you must use documents issued in the last three months:

- credit card statement (UK, EEA)
- bank or building society statement (UK, EEA)
- bank or building society statement (outside EEA) - the branch must be in the country where you live and work
- central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, The Employment Service, HMRC (UK, Channel Islands)
- bank or building society account opening confirmation letter (UK, EEA)
- utility bill but not a mobile telephone bill (UK, EEA)
- benefit statement such as child benefit, pensions (UK, Channel Islands)

Documents on the list below must be valid when you apply for the check:

- EU national ID card
- 60+ or Senior (65+) Smartpass issued by Translink (NI)
- yLink card issued by Translink (NI)
- cards carrying the PASS accreditation logo (UK, Isle of Man, Channel Islands)
- letter from head teacher or further education college principal (UK for 16 to 19 year olds in full time education, this is used if other documents cannot be provided)

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- letter of sponsorship from future employment provider or voluntary organisation (non UK or non EEA only for applicants residing outside the UK at time of application.)