



APPLICATION FOR VOLUNTARY CANCELLATION OF REGISTRATION - GUIDANCE NOTES

1 INTRODUCTION

This guidance document covers the arrangements in place to allow for a person registered with the Regulation and Quality Improvement Authority (RQIA) to cancel a registration in respect of an establishment or agency as per Article 16 (1)(b) of The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and Regulation 15 of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005.

Reasons for the voluntary cancellation of a registration in respect of an establishment or agency covered by this application form and guidance are

- Closure of establishment or agency
- Sale of establishment or agency
- Restructuring of a partnership or organisation

Note that an application cannot be made if RQIA has given notice of a proposal to cancel the registration or has given notice of decision to cancel the registration and the time within which an appeal may be brought has not expired or, if an appeal has been brought, it has not been determined.

Prior to making the application for cancellation you should give notice to service users, service user representatives and the relevant Health and Social Care Trusts.

2 DETAILS ABOUT THE VOLUNTARY CANCELLATION PROCESS

Submission of Application

In the cases outlined above the Registered Person will be required to submit an application for cancellation on the appropriate form approved by RQIA and not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with RQIA.

Assessment of Application

On receipt of a full and complete application form, this will be referred to the Care Inspector assigned to your establishment or agency for review. The Inspector may contact you to obtain further details on your proposals actions and/or arrange for an inspection of the establishment or agency.

Following an assessment of your application, RQIA will confirm the effective date of the voluntary cancellation of registration with you.

Note that if the application for cancellation of registration is made because of the sale of the establishment or agency, the cancellation will only become effective when the new responsible person has completed the registration process and is approved to be registered in respect of the establishment or agency.

If the application is made because of organisational restructuring and another registered establishment or agency is taking on responsibility for the service users, this establishment or agency might have to apply for a variation in the condition of registration. The application for cancellation will only come into effect, once RQIA has approved the respective application for variation.

Requirement to Return Certificate of Registration

Please note that when RQIA has confirmed the effective date of cancellation, you are required by law to return the Certificate of Registration either by hand or by registered/recorded delivery on the day on which the decision to cancel your registration comes into effect.

Failure to comply with this requirement is an offence under Regulation 11 of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005.

3 COMPLETION OF THE APPLICATION FORM

Section 1 - Information about the Establishment or Agency

Please complete this section as per the current Certificate of Registration.

Section 2 - Purpose of Application

Please provide the relevant details.

Section 2a - Address of Responsible Individual

Section 2a needs to be completed by providing the personal address of the Responsible Individual(s), if the application is made in relation to the closure of an Establishment or Agency and the Establishment or Agency was run by an Individual.

The address of the Responsible Individual(s) will also be required if the Provider Organisation or Partnership (Responsible Person) ceases to exist after the closure of the Establishment/Agency.

In any other cases of closure of an establishment it is sufficient to provide the business address of the Responsible Person.

Section 2b - Address of Purchaser

If the application for cancellation of Registration is made because of the sale of the Establishment or Agency we will require the details of the purchaser.

Equally if a cancellation of registration is applied for because of internal restructuring of the Provider Organisation, please provide details of the

registered Establishment or Agency which will provide the services to the clients in Section 4.

Section 3 - Details of Voluntary Cancellation of Registration

Please detail the reasons for the Voluntary Cancellation and the proposed effective date. The "proposed effective date" is defined as the date requested by the registered person as the date on which the cancellation applied for is to take effect.

Note that an application for cancellation should be made 3 months prior to the proposed effective date.

Section 4 - Arrangements in relation to Service Users

The registered person needs to ensure that on and after the date of application for cancellation the proposed effective date service users will continue to be provided with similar accommodation and/or services as those provided to them in the establishment or by the agency at the date on which the application for cancellation is made. Please provide details of these arrangements to enable RQIA to assure itself of the safety and wellbeing of the service users.

Section 5 - Notifications

Prior to an application to voluntarily cancel your registration in respect of an establishment or agency, notice should be given by the responsible person to service users, their representatives and the local health trust in which area the establishment/agency is situated. The notice should state the intent of the registered person, that the registered person has made, or intends to make, an application for cancellation.

You are required to provide details of the notifications made in respect of each of these groups.

Should you have not made these notifications, please outline any circumstances which prevented the registered person from giving, or made it impractical to give notice to any of the above in Section 5b.

Section 6 Statement of Financial Viability

An application for cancellation should normally be made 3 months before the proposed effective date. If the application has been made less than 3 months before the proposed effective date, please provide details as to whether the establishment or agency has ceased, or is likely to cease within the next following twelve months, to be financially viable in section 6a.

Section 7 Arrangements for the Holding of Records

Please outline the arrangements for the holding of records pertaining to the service in relation to which this application is made.

Declaration Section

Please ensure that the application form is appropriately signed by the Responsible Individual to confirm that the information provided in the

application form is complete and accurate. Note that it is an offence to knowingly makes a statement which is false or misleading in a material respect.

If any person listed in Section 5 has not yet received notice of the cancellation of registration, I confirm that within the next seven days of the date of this application such notice will be given.

Please ensure that all required information has been provided. Should relevant sections not be completed, the application will be returned to you and you will be required to reapply.

Please also ensure to notify RQIA should circumstances relevant to your application change after the date of your application.

Please return your completed application and all other required items marked **Confidential** to:

The Registration Team
The Regulation and Quality Improvement Authority
9th Floor
Riverside Tower
5 Lanyon Place
BELFAST
BT1 3BT

5 COMPLAINTS ABOUT THE PROCESS

RQIA operates a complaints procedure that allows any applicant to make a complaint if they think RQIA has not followed its registration procedures. The complaints procedure cannot be used to challenge a decision made.

6 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 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. RQIA will not disclose any personal information to any other 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.

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