



APPLICATION FOR VARIATION OR REMOVAL OF A CONDITION OF REGISTRATION - GUIDANCE NOTES

1 INTRODUCTION

In accordance with Regulation 12, Part IV of the Health and Personal Social Services Regulation and Improvement Authority (Registration) Regulations (NI) 2005 the application form should be completed by those individuals, partnerships and organisations that are registered to carry on an establishment/agency and are applying for a variation of condition of registration in respect of the establishment/agency. The proposed variations or changes covered by this form include:

- **Removal, addition or reinstating a category of care**

This is applicable to nursing, residential care and children's homes, and independent healthcare only. Categories of care specify the service users the establishment/ agency is registered to provide a service for. A full list of categories of care can be found in Appendix 1 of this guidance.

- **Change in registered maximum numbers of service users**

If the legislation stipulates a maximum number of service users to be stated for the registration of a service, this has an impact on the annual fees payable to RQIA under The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 and the amendment regulations 2007.

- **Minor Variation**

Minor variations are any alterations to the exterior or interior of the establishment/ agency which, if the application is granted, do not result in a change of registration details such as registered address or conditions of registration. Minor variations are changes requiring amendment to the user guide or statement of purpose of the service only.

2 APPLICATION PROCESS

The completed application form, together with all other documents/information and fee as specified in respect of the proposed variation should be submitted **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 Regulation and Quality Improvement Authority. Please note that the application will not be deemed to have been granted when the above time period has expired (referred to as tacit authorisation). For overriding reasons of public interest, RQIA will only grant such applications when it has considered in full all of the documentation and circumstances and has satisfied itself that it is appropriate to grant the application to register or vary conditions of registration in line with the relevant legislation.

Note that you should only make your application if you have all measures taken to enable the application for variation of condition to be accepted within the above time frame. Should these measures not be in place, your application may be refused. This will not prevent you from reapplying once you have complied with all requirements.

Should you have any questions about the application please contact the Registration Team in RQIA in the first instance. The team can be contacted by phone on 028 9051 7500 or by emailing registration@rqia.org.uk.

3 PROCESSING THE APPLICATION

Following the receipt of all the required information and fee (if applicable), the Care Inspector for the establishment/agency will make an initial assessment of the application. Depending on the nature of the proposed changes, an inspection of the premises or input from other specialist inspectors may be required. You may be contacted in relation to this.

RQIA will then write to you to confirm receipt of the application and to inform you of the next steps in the process. At this point, our aim is also to provide an estimated date of when you will be notified of the outcome of your application. Note that Tacit Authorisation does not apply.

Notification of Outcome of Assessment

Once the assessment of your application has been completed and the application has been accepted, RQIA will issue you with a new certificate of registration.

Return of former Certificate of Registration

Where an amended Certificate of Registration is issued to your establishment/agency, you are required to return the former certificate to the Authority within fourteen days.

Right to Make Representation or Appeal

Should your application be refused RQIA will issue you with a Notice of Proposal to refuse your application. You are given a period of 28 days in which to respond to the notice of proposal by disputing the notice and making written representation to RQIA. You will be provided with a form on which to make your representation.

Where you have disputed the Notice of Proposal and made written representation to RQIA, this will be considered by the Inspection Team who will decide to accept or refuse the written representation (or parts thereof). You will be advised of the outcome by the issue of a Notice of Decision and will be given a period of 28 days in which to respond to the notice on a form provided. At this stage you may either accept the notice or appeal the matter to the Care Tribunal. Where you have accepted the Notice of Decision, an amended Certificate of Registration for the establishment/agency will be issued.

Note: If you do not respond to the notices issued by the Authority within the 28 day period allowed, this is taken as your acceptance of the details they contain.

4 COMPLETING THE APPLICATION FORM

Please complete all shaded sections of the application form.

1. Information about the Establishment/Agency

Complete this section accurately, using RQIA Registration ID and establishment/agency name as referred to on the Certificate of Registration to enable identification of your service.

2. Current Registration Details

Refer to your current Certificate of Registration on display in the premises.

3. Purpose of Application

Outline the type of variation you are applying for (refer to Appendix 1 of this guidance):

- Removal of a category of care
- Addition of a new category of care
- Re-instating a category of care
- Change in the maximum number of service users
- Minor variation

Minor variations are any alterations to the exterior or interior of the establishment/ agency which, if the application is granted, do not result in a change of registration details such as registered address or conditions of registration. Minor variations require a change to the user guide or statement of purpose of the service only.

Indicate if building work will be required. This is important in order to determine if your application will require assessment from an Estates Inspector.

4. Proposed New Registration Details

Indicate clearly the proposed new registration details. Copy the details from your existing Certificate of Registration that you wish to remain the same. Please also indicate the date you wish the details to be effective from.

5. Reasons for making the application

Give brief details of your reasons for changing the registration details.

6. Changes that the registered person proposes to make in relation to the Establishment/agency as a consequence of application

Include details of proposed structural changes to the premises, any additional staff, facilities or equipment, changes in management or any other changes. Use the continuation sheet, if required.

7. Application Checklist

The application checklist should be used to ensure that all relevant documentation/ information is submitted with the application. RQIA is unable to process incomplete applications and your application may be rejected.

Estates plans are only required in the event of structural alteration to the premises.

The **variation fee** required is determined by *The Regulation and Quality Improvement Authority (Fees and Frequency of Inspection) Regulations (Northern Ireland 2005)* and *The Regulation and Improvement Authority (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2007*. The table below is a summary of the charges dependent on size and type of service:

Type of Service	Size/Criterion	Fee for Variation	Fee for Minor Variation*
Adult Placement Agency	N/A	Nil	Nil
Domiciliary Care Agency	N/A	Nil	Nil
Day Care Setting	N/A	Nil	Nil
Residential Family Centre	N/A	Nil	Nil
Independent Clinic	N/A	£ 100	£ 25
Independent Hospital	N/A	£ 100	£ 25
Independent Medical Agency	N/A	£ 100	£ 25
Nursing Agency (Small)	Where no more than two members of staff, including registered persons but excluding someone employed solely as a receptionist, are employed at any one time	£ 5	£ 5
Nursing Agency	Where three or more members of staff, including registered persons but excluding someone employed solely as a receptionist, are employed at any one time	£ 15	£ 5
Children's Homes	N/A	£ 100	£ 25
Nursing Home (Small)	Less than four approved places	£ 50	£ 25
Nursing Home	Four or more approved places	£ 100	£ 25

Residential Care Home (Small)	Less than four approved places	£ 50	£ 25
Residential Care Home	Four or more approved places	£ 100	£ 25

Payment of fees may be made by cheque, payable to RQIA, or through BACS. Fees are non-refundable. Please ensure the application form is **signed and dated** by all required parties, marked **Confidential**, for the attention of the Registration Team.

5 COMPLAINTS

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. Decisions can 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.

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.

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>.

Appendix 1 - Categories of Care

As per *Part II Schedule 8 of The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005*

Nursing Homes (NH)

Category Code	Definition
NH-I	Old age not falling within any other category
NH-E	Service users who are over 65 years of age but do not fall within the category of old age
NH-DE	Dementia
NH-MP	Mental disorder excluding learning disability or dementia
NH-MP(E)	Mental disorder excluding learning disability or dementia – over 65 years
NH-LD	Learning Disability
NH-LD(E)	Learning disability – over 65 years
NH-PH	Physical disability other than sensory impairment
NH-PH(E)	Physical disability other than sensory impairment – over 65 years
NH-D	Past or present drug dependence
NH-A	Past or present alcohol dependence
NH-TI	Terminally ill
NH-SI	Sensory impairment

Residential Care Homes (RC)

Category	Definition
RC-I	Old age not falling within any other category
RC-E	Service users who are over 65 years of age but do not fall within the category of old age
RC-DE	Dementia
RC-MP	Mental disorder excluding learning disability or dementia
RC-MP(E)	Mental disorder excluding learning disability or dementia – over 65 years
RC-LD	Learning Disability
RC-LD(E)	Learning disability – over 65 years
RC-PH	Physical disability other than sensory impairment
RC-PH(E)	Physical disability other than sensory impairment – over 65 years
RC-D	Past or present drug dependence
RC-A	Past or present alcohol dependence
RC-TI	Terminally ill
RC-SI	Sensory impairment

Children's Homes (CH)

Category	Definition
CH-EBD	Children with emotional or behavioural difficulties
CH-PD	Children with physical disabilities other than sensory impairment
CH-LD	Children with learning disabilities
CH-MD	Children with mental disorders, excluding learning disability
CH-D	Children with present drug dependence
CH-A	Children with present alcohol dependence
CH-SI	Children with sensory impairment

Independent Hospitals (IH), Independent Clinics (IC) and Independent Medical Agencies (IMA)

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