

Steve Brine MP
Chair, Health and Social Care Committee
House of Commons
By email:

04 January 2024

Dear Chair,

I am writing to you following my oral evidence (19 December 2023), on behalf of the Care Quality Commission (CQC), to the Health and Social Care Select Committee on changes to legal migration, with a view to providing further information that can help inform your inquiry and any subsequent recommendations you make.

During my evidence, I discussed CQC's regulatory remit and the type of providers we register, monitor, inspect and take action against. At the bottom of this letter, I have provided an overview of our registration process and the types of providers that fall within the scope of our regulation. In doing so, I wanted to clarify that CQC is only able to register providers which deliver 'regulated activity' in health and social care, as defined by the Health and Social Care Act 2008 (more details below).

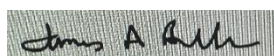
We do not have regulatory oversight of other organisations operating outside these areas (e.g. agencies which recruit health and social care staff) and do not anticipate our powers to change.

Furthermore, during my evidence, I was grateful to share our concerns relating to Deprivation of Liberty Safeguards (DoLS). I wanted to correct the number I gave for the completion of DoLS applications within the standard 21-day timeframe, which is 19%, as recorded in our [State of Care report](#). We also noted in this report, that over 39,000 people were waiting longer than a year for their DoLS application to be completed as of 31 March 2023.

We continue to share our concerns with Government and strongly recommend that the new Liberty Protection Safeguards scheme is implemented as soon as possible to replace DoLS. This new scheme would help to address some of the ongoing issues affecting the DoLS framework, therefore ensuring stronger safeguards to protect the human rights of people who may need to be deprived of their liberty and who lack capacity to consent to their care arrangements.

Please do let me know if you have any further queries, which I would be happy to answer. You can send any further queries to our parliamentary team: parliamentaryaffairs@cqc.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James A Bullion', on a light-colored background.

James Bullion CBE
Chief Inspector, Adult Social Care and Integration
Care Quality Commission (CQC)

Annex: CQC Registration

Registration – Our purpose

- Registration is the start of CQC’s regulatory role - our first step is to protect people who use services. It informs how we assess, inspect, rate, monitor and enforce.
- It is a quality test – ‘the first assessment’ on behalf of the people using services, their families and carers. Registration is an assessment of likely compliance with the regulations, as set out by Parliament.
- It is the gateway to becoming a registered provider/manager. It is by having strong registration (entry), ongoing inspection/assessment and, where necessary, enforcement (exit) that regulation is most effective.
- We provide public confidence in service information – through registration we obtain information on ownership and accountability for the quality of care, which we display on CQC’s website (The Register).
- It enables us to hold the right people to account and provides a flexible and risk-based approach to meeting the needs of the health and social care market and is responsive to and supportive of innovation and new care models.
- Any person (individual, partnership or organisation) who provides regulated activities in England must be registered with us otherwise they commit an offence. This is a requirement of the Health and Social Care Act (2008) and the fitness of the applicant/provider is assessed through the registration process.
- CQC will consider using its enforcement powers if providers carry on regulated activities without registration.

What we do – Who and What we regulate

- We register ‘providers’ to carry on specific ‘regulated activities’. The regulated activities are detailed in Schedule 1 of [the Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#).
- Providers are legal entities: individuals, partnerships or organisations/other bodies. There are 14 ‘regulated activities’ that cover all health and care services. Examples include:
 - Personal care
 - Accommodation for persons who require nursing or personal care.
 - Treatment of disease, disorder or injury.
 - Diagnostic and screening.
 - Surgical procedures.

How we Register

- To be registered an application must be made to us providing details about the applicant, the regulated activities applied for and information about the place the regulated activities will be provided from (the location – we do not register ‘places’ or ‘services’).
- We will register with conditions (about, for example, the locations at which regulated activity may be provided - e.g. the address of each care home, home care office, hospital, etc). This allows us to know where the provider intends to deliver the regulated activities from. If,

subsequently, the provider wishes to vary or remove any of these conditions, to apply for another regulated activity or to cancel their registration, they must make a further application to us.

- For our data we also add categories to identify what types of services they provide, and the range of people's needs. In most cases, providers must also register a manager for each regulated activity they provide.
- Prior to submitting an application form, provider and manager applicants must obtain a Disclosure and Barring Service check through CQC.
- We will assess the applicant and we must be satisfied about their suitability and compliance with the requirements of the relevant regulations and enactments and in line with good practice and statutory guidance. Otherwise we must refuse their application.
- We will assess the manager's fitness - they must be of good character, physically and mentally fit to carry on the regulated activity i.e. able to perform tasks which are intrinsic to their role. They must have the necessary qualifications, competence, skills and experience, and be able to supply information to the Commission relating to themselves that demonstrates these requirements.
- The provider and manager must tell us how they will meet core regulations (the '[fundamental standards](#)') and our 5 key questions (are there services Safe, Effective, Caring, Responsive and Well-led).
- If a provider or manager cannot demonstrate the ability to provide a Good service, we may refuse registration. This will result in us issuing a Notice of Proposal to refuse registration. The applicant has 28 days to appeal this notice by submitting representations.
- There is no specific fee or charge for registration. Once registered, providers pay annual fees to be registered-based on variety of issues- size/scale of delivery.

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