



Registration

01



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1. Registration explained

The Health Information and Quality Authority's Social Services Inspectorate (SSI), referred to in the Health Act 2007, as the Office of the Chief Inspector, was established to regulate the quality of residential care in designated centres for children, older people, and people with disabilities.

This guide leads you, the provider, through the registration process, and informs you of your responsibilities in relation to the registration of a designated centre.

2. The purpose of regulation

The purpose of regulation is to protect vulnerable individuals of any age who are receiving residential care services. Regulation gives confidence that the people being looked after in a designated centre are receiving a standard of service, which ensures that their wellbeing and safety is being properly promoted and protected.

3. The purpose of registration

The process and fact of registration confirms publicly and openly that, as the registered provider, you are fit and legally permitted to provide that service. In controlling entry to service provision, the registration authority is fulfilling an important regulatory duty delegated to the Chief Inspector of Social Services under section 40 of the Health Act 2007. Part of this duty is a statutory discretion to refuse registration if the Chief Inspector is not satisfied about your fitness to provide services, or the fitness of any other person involved in the management of the centre.

Registration:

- informs applicants they are involved in a regulated sector, governed by a legal process
- makes it clear that the registration authority carries out a gate keeping role which vets individuals and services for fitness
- communicates this is an ongoing process which checks that providers continue to be fit by complying with regulations and guidance to deliver an appropriate standard of service as prescribed by Government and the registration authority.

Section 46(1) of the Health Act 2007 states:

“a person shall not carry on the business of a designated centre unless the centre is registered under this Act and the person is its registered provider”.

Section 50(1) of the Health Act 2007 states:

“where an application is made for the registration or renewal of the registration of a designated centre, the Chief Inspector, if satisfied that the person who is the registered provider, or intended registered provider, and each other person who will participate in the management of the designated centre—

- (a) is a fit person to be the registered provider of the designated centre and to participate in its management, and
- (b) if the application is for registration, will comply with, or, if for renewal, is in compliance with—
 - (i) standards set by the Authority under section 8(1)(b),
 - (ii) regulations under section 101, and

- (iii) any other enactment which appears to the Chief Inspector to be relevant, and is cited to the applicant in writing by the Chief Inspector,

shall grant the application and if not so satisfied shall refuse it”.

In July 2009, two statutory instruments were enacted to give effect to the regulation of designated centres. These are Statutory Instrument S.I. No. 236 of 2009 Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 and Statutory Instrument S.I. No. 245 Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009¹.

4. The role of the registered provider

As the registered provider referred to in the Health Act 2007 you have overall responsibility for the designated centre. The registered provider is legally responsible for the designated centre and will be held accountable for any faults with the services.

Your role as the registered provider is to ensure that the centre is suitable for its purpose and function and is in compliance with the requirements as set out by the Health Act 2007, the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009, the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 and the National Quality Standards for Residential Care Settings for Older People in Ireland. You must be able to demonstrate that you understand the requirements of operating a designated centre and ensure that the people employed have the necessary skills

to manage and deliver the service. You are accountable and responsible for the delivery of the service and as such will be held accountable for any deficit in the services.

5. The role of the person in charge

The person in charge of the designated centre must be a suitably qualified and experienced registered nurse with authority, accountability and responsibility for the provision of the service. He/she is the person with responsibility for the day-to-day operation of the designated centre. The registered provider may also be the person in charge, provided he/she has the appropriate skills and qualifications.

6. What centres will be subject to registration?

There are three categories of designated centres for older people, all of which must apply to be registered:

- existing centres for older people which have been previously registered by the HSE
- existing centres for older people which have not been registered by the HSE
- new centres applying for first time registration.

‘designated centre’ is defined in section 2(1) of the Health Act 2007.

Irrespective of which category your centre belongs to, you must notify us of your existence within six months of the July 1 2009 commencement date (in accordance with section 69(3) of the Health Act 2007).

¹ These regulations are referred to in this document as Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 and Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009.

7. When should you apply for registration?

From 1 July 2009, all existing centres (whether public, private or voluntary) are deemed by law to be registered “for a period not exceeding three years or such shorter period as the Chief Inspector may determine.” See section 69(2) Health Act 2007.

The Social Services Inspectorate has a phased three-year programme of registration. Our registration schedule is based on a number of factors including (but not exclusively), for the private and voluntary centres, the expiry date of current registration certificates. When you are due to apply for registration SSI will contact you to submit an application. Once registered by SSI you will be required to apply for your next and all subsequent registrations “at least 6 months, or a lesser period that the Chief Inspector may specify, before the expiry date of the current registration.” See section 48(3) Health Act 2007.

The only exception to this is if you are a new provider applying for first time registration, which you must do six months prior to the time you wish to commence (see section on “registration for new providers”).

8. Registration of more than one designated centre

If you operate or intend to operate more than one designated centre a separate application for registration, or the renewal of the registration, must be made for each centre. See section 48(5) Health Act 2007. The registration application form requests information on any other designated centre(s) that you operate.

9. How long does your registration last?

Subject to sections 48 and 51 of the Health Act 2007, the registration of a designated centre is for three years. After that you must make an application for registration renewal at least six months before the expiration date of the current registration. See section 48(3) Health Act 2007.

10. How do you become registered?

The first step in the registration process is to complete an application form. You will need to complete different parts of the form, depending on whether you are an existing registered provider or you intend to become a registered provider, and whether you are an individual, a partnership, a company, an unincorporated body, or a statutory body. Included with the application form will be the Fit-person Entry Programme self-assessment (see section on Fit-person Entry Programme below).

The registration application form in the first instance seeks information about the provider, person in charge and other key personnel involved in the management of the centre. This information is required by the Health Act 2007 and the 2009 regulations and includes: evidence of identification; references; Garda vetting; medical fitness; qualifications and employment history accounting for any gaps in employment. Information is also required about the service provided including the purpose and function of the centre, the profile of the residents, details of premises, staffing details,

and information on governance and management.

The application form has guidelines to aid completion and there is a checklist at the back of the form to identify the required information and documentation.

You must:

- complete the application form in full and return within **four weeks** of receipt
- attach the necessary documents as set out in the registration application form
- arrange payment of the registration application fee.
- complete the Fit-person Entry Programme self-assessment and return within **eight weeks** of receipt

It is important that you complete the form correctly and that the additional information is enclosed as requested (as per section 48(2) of the Health Act 2007). If any information is missing the Social Services Inspectorate will consider the application incomplete and return the incomplete documentation to you. This will delay the registration process.

11. Fees

Fees are payable:

- to register or renew your centre's registration. The registration fee is €500.
- if you want to apply to vary a condition of your registration.

(The amount will depend on the variation applied for and the complexity of the method of assessment required in respect of the variation).

There is also an annual fee for each centre. The fees are set by the Department of Health and Children and the fee structure is encompassed in the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009.

12. What happens next?

Once the fully completed application and the nominated fee have been received, a letter will be sent to you confirming receipt of your application from our national registration office in Cork. The registration office will:

1. Review your application and all the enclosed information. If any information is missing, the Social Services Inspectorate will return your incomplete application to you with a cover sheet setting out what aspects of the application are incomplete.
2. Confirm receipt of the registration fee (if your application and supporting information is complete). If you do not pay the correct fee in full, SSI will not process the application.
3. Review all of the information you provide and check your references. It is your responsibility to make sure that your referees are contactable and that they understand the context in which they are providing the reference.

The regional inspection office will then:

1. Contact you to arrange an inspection of your centre.
2. Send you a poster to display in your centre informing residents, relatives and staff of the inspection date and offering them an opportunity to meet with an inspector.
3. Send out questionnaires to be completed by residents and relatives to be returned to the regional office or to be collected by the inspectors on the inspection.

An inspector will:

1. Carry out a fit-person interview with you. The interview is designed to assess your fitness. Some aspects of your fitness will already have been assessed by the documentation you have provided as part of your application. The fit-person interview will assess your understanding of, and capacity to comply with, the requirements of the regulations and the Standards. In forming a judgement in relation to your fitness the Authority's Social Services Inspectorate will take into account the size of the service you provide, the statement of purpose and function and the number and needs of the people who will use your service.
2. Conduct an inspection of your centre. (See *Are you ready for your inspection?*)

13. Fit-person Entry Programme

Under section 50(1)(a) of the Health Act 2007 registered providers and others who participate in the management of the designated centre must be fit to do so. As a provider you must

demonstrate to the satisfaction of the Chief Inspector that you are suitable or fit for the role. The Fit-person Entry Programme is based on the *National Quality Standards for Residential Care Settings for Older People in Ireland* and is a tool for you to self-assess your fitness to provide the service. The Fit-person Entry Programme is in the format of a programme with defined learning outcomes and self-assessment activities and is designed to be used without the need for any specialist training or additional resources.

The Fit-person Entry Programme takes a participative approach by encouraging you to reflect on and consider your experience, competence and knowledge, together with your staff and residents. Its purpose is to prompt you, the provider, to:

- consider the *National Quality Standards for Residential Care Settings for Older People in Ireland* as a guide on how to provide, and continually improve care services
- assess the way you operate your centre
- identify gaps in your services or areas of learning
- increase your awareness of changes that need to be made to some areas of practice.

By assessing the standard of care being delivered at your designated centre, and where necessary, developing your practice further, the expected outcome is that each resident in your centre will be enabled and supported to live as full, safe and as independent a life as possible.

If you are the registered provider of more than one designated centre you should use the Fit-person Entry

Programme in each of your centres, together with your staff. You will, however, only be assessed on it once.

14. Assessing the fitness of other people involved in the management of the centre

As part of the registration application process you will be required to provide information about your person in charge and others involved in the management of the centre, in relation to their qualifications, employment history and evidence of vetting. Part of your test of “fitness” as the registered provider is that you can demonstrate that the people you have employed to manage your centre are fit to do this. That means that you have satisfied yourself, and can demonstrate to us that you have done so, that these people are appropriately qualified, have the necessary skills to manage the centre, have no convictions under the Health Act 2007, and are people of good character and integrity.

As the registered provider you are also accountable to ensure that there are effective management systems in place that support and promote the delivery of a good quality service. This involves being able to demonstrate to us that there is a clearly defined management structure in place that identifies lines of accountability and authority and the roles and responsibilities of your management team.

15. Registration for new providers

› Enquiry stage

If you are considering building a new designated centre you should contact our registration office in Cork. This is an opportunity for you to inform the SSI of your intentions and to make preliminary enquiries about your statutory obligations and requirements in respect of the service you intend to provide.

› Advisory visit

If you decide to apply to register a designated centre the SSI can discuss the intended purpose and function of the centre and offer you advice in relation to the services and facilities required. This will assist you to become as prepared as possible before you progress your plans and ensure you are fully informed before applying to register.

As part of this advisory process, an inspector may review the architectural plans and in addition, may conduct a visit to the premises to ensure that:

- the planning permission and the architectural plans accurately reflect the service to be registered
- the design and layout of the centre reflect the needs of residents
- there are the required facilities for the proposed number of places and proposed resident profile
- all general areas are accessible.

› Registration inspection

As all new providers must apply for registration prior to operating, part of the formal registration process involves an inspection of the physical premises. The inspection also includes: a fit-person assessment, a review of the centre's statement of purpose and function, relevant policies and procedures, arrangements for staffing, management structures and plans in relation to the services and facilities you intend to provide. It is important therefore that as a new provider you do not apply for registration until six months before you are ready to operate. For more information on inspections see the guidance on *Are you ready for your inspection?*

› First inspection following registration

The first post-registration inspection takes place three to six months following registration when the first residents are living in the designated centre. This inspection is to ensure that what was intended prior to registration is happening in practice.

16. The registration panel

All applications related to registration are submitted to a national registration panel for decision. The purpose of having a national registration panel is to ensure that our decision making is open and transparent and to provide consistency of approach across the Authority's Social Services Inspectorate. The registration panel is made up of senior staff with expertise in the area of registration, inspection and enforcement. The Deputy Director of Operations chairs the panel.

The national panel considers:

- applications for registration or registration renewal
- applications by the provider to vary or remove conditions (see section on registration conditions below)
- applications relating to compliance and enforcement issues (see *Guide for Providers on Compliance*).

When the registration inspection is completed the inspector will compile a summary report based on your application documentation, the inspection event, and, where relevant, your action plan (see *Are you ready for your inspection?*). The report will include a recommendation to the national registration panel relating to your centre's registration status based on your compliance with the regulations and standards, and the extent to which your service is managed by people who are fit to do so, and your fitness as a provider.

17. Notices of proposal

Under section 53 of the Health Act 2007 when your application has been considered you will be sent a written "Notice of Proposal" to:

- grant an application for registration or registration renewal setting out the operating conditions (see section on registration conditions below)
- refuse an application for registration or registration renewal
- change the conditions of an existing registration (attach additional conditions, or vary or remove existing ones)
- cancel a provider's registration.

Under section 54(1) of the Health Act 2007 you have 28 days in which you “may make written representations to the chief inspector concerning the matter which is the subject matter of the proposal”.

18. Notices of decision

Under Section 55(3) of the Health Act 2007 a final decision will not be made until you have:

- made written representations to the Chief Inspector concerning the proposal, or
- notified the Chief Inspector in writing that you do not intend to make representations, or
- the time limit of 28 days has elapsed.

Where written representations are made, the representation should specify the reasons why you disagree with the proposal. A representation allows the Chief Inspector to adhere to the principles of natural justice, to examine whether SSI has acted fairly, taking into account all the information available and any additional information provided, before a final decision is made.

You will be informed of the registration panel’s decision in writing.

- if the panel agrees with the representations made by you, you will be sent a “Notice of Decision” to that effect
- if the panel does not agree with the representations it will send you a “Notice of Decision” confirming that it will be proceeding with the original proposal.

19. Registration decisions - your right to appeal

Under section 57 of the Health Act 2007 the registered provider has the right of appeal against the panel’s decision to the District Court. The appeal must be made within 28 days after service of the “Notice of Decision” and you must notify the Chief Inspector of the appeal at the same time as it is made to the District Court.

The decision will take effect if no appeal is brought within 28 days or longer as determined by the Chief Inspector. The decision will not take effect if an appeal is brought by the registered provider until the determination or withdrawal of that appeal. See section 57(2)(a) Health Act 2007.

If you appeal to the District Court under section 57 of the Health Act 2007, you may continue to operate your designated centre until a determination is made, the appeal is withdrawn or a further appeal to the Circuit Court is lodged.

The District Court may:

- confirm the decision of the Chief Inspector or
- direct the Chief Inspector to:
 - (a) register or renew the registration of the designated centre
 - (b) restore the registration of the designated centre
 - (c) vary or remove a condition of the registration, or
 - (d) attach an additional condition to the registration. See section 57(4).

20. Registration conditions

The registration application form requires you to provide information on the purpose and function of your centre i.e. the type of service you provide, who you provide it for and the manner in which you provide it.

As part of the registration process the Health Information and Quality Authority's SSI will assess your capacity to provide the type of service you currently provide, or intend to provide. This will inform the decisions of the registration panel and the operating conditions for which the centre will be registered.

All designated centres will be registered with conditions. These conditions are called **registration conditions**. Conditions are used to describe and define the service which the centre provides. They ensure that you the registered provider, residents, staff and members of the public are clear about the total service provided in the centre. These conditions mean that every designated centre will be registered for a total number of beds, and one or more service user categories. These categories are:

- Older Persons over 65
- Dementia
- Physical Disability
- Intellectual Disability
- Acquired Brain Injury
- Children
- Other

Once a centre has been registered with conditions, you will be inspected against them and you cannot operate outside of them. To do so is likely to initiate enforcement activity.

All existing conditions are reviewed at each registration renewal and during inspections.

21. Can registration conditions be changed at request of the provider?

A situation may arise where you might want to offer a service for which your centre is not registered. Equally you may wish to increase the number of places you are registered to provide. In such cases, where you wish to vary or remove a condition of registration within the three years for which your centre is registered, under section 52 of the Health Act 2007 you must make an application to SSI by completing an application to vary or remove a condition. Forms are available on the Authority's website at www.hiqa.ie. Fees are payable to apply for the variations or removal of a condition and the amount will depend on the variation applied for.

Under section 52(2) of the Health Act 2007 the Chief Inspector may grant an application "if satisfied that the variation or removal of the condition is

- (a) appropriate in the circumstances, and
- (b) will not adversely affect the persons who are resident in the designated centre,

and if not so satisfied shall refuse the application".

Depending on the type of change applied for, an inspector may visit the centre to make an assessment. When the assessment is complete and SSI has determined whether or not the variation of a condition is appropriate in your particular circumstances, SSI will write to you with a "Notice of Proposal". (See earlier section on Notice of Proposal).

The next step is that SSI will issue you with a Notice of Decision. The Notice of Decision will state whether your application for a variation of a condition(s) has been accepted and, if so, it formalises the new condition(s). If your application to vary conditions is successful you will be issued with a new registration certificate listing the new conditions. This does not affect your obligation to apply to renew your registration within three years.

22. The registration certificate

After the registration process is complete, a centre that meets the criteria for registration is issued with a certificate. Details listed on the certificate include:

- the name, address and telephone number of the designated centre
- the name, address and telephone number of the registered provider
- the name and telephone number of the person in charge of the designated centre
- the registration conditions attached to the designated centre
- the date and expiry date of registration
- the registration number of the centre.

The certificate is valid for three years. Under section 56 (1) of the Health Act 2007 you “must ensure that the certificate of registration issued for the designated centre is affixed in a conspicuous place at the centre”.

If any changes are subsequently made to the operating conditions of your centre an amended certificate of registration will be issued to you.

Where a centre’s registration is cancelled or if you cease to carry on the business of a designated centre you must return the certificate to Health Information and Quality Authority’s Social Services Inspectorate by registered post not later than the day on which the decision or order, cancelling the registration takes effect.

23. The register

Under section 49 of the Health Act 2007 the Chief Inspector will maintain a register of designated centres, which will be available to the public and will be placed on the Authority’s website. The register will hold the following information on each centre:

- name of the centre
- address of the centre
- name of the registered provider
- name of the person in charge of the centre, whether that is the registered provider or another
- the number of residents who can be accommodated in the centre
- the date of registration
- any conditions attached to registration.

24. Removal from the register

Under section 66 of the Health Act 2007 you cannot close the designated centre until you give the Chief Inspector six months written notice of your intention to do so. The date of closure must be specified in the notice. This can be done by completing an “NF35” form which can be found on the Authority’s website at www.hiqa.ie.

Key points on registration

1. The registered provider referred to in the Health Act 2007 is the person with overall responsibility for the designated centre.
2. You must notify the Health Information and Quality Authority's Social Services Inspectorate of your existence within six months of 1 July 2009 commencement.
3. When you are due for registration or re-registration SSI will contact you to apply to register or re-register.
4. If you are a new provider applying for first time registration you must apply six months prior to the time you wish to operate.
5. You must complete the registration application form in full and return it within four weeks of receipt.
6. If you operate or intend to operate more than one designated centre a separate application for registration must be made for each centre.
7. You must complete the self-assessment section of the Fit person Entry Programme within eight weeks of receipt.
8. All designated centres will be registered with conditions. These conditions are called registration conditions.
9. Once you are registered with SSI your registration certificate lasts for three years.