

# **The Registration Process**

**Information for providers and persons participating  
in the management of centres**

**Health Information and Quality Authority**

# Regulation

*Regulation is the **sustained and focused attempt** to alter the behaviour of others according to **defined standards** with the intention of producing a **broadly identified outcome** or outcomes which may involve mechanisms of **standard-setting, information-gathering and behaviour-modification.**'*

*Black, J. (2001)*

# How does Black's definition reflect our regulatory activity?

**Standard setting** – in consultation with relevant stakeholders we produce defined outcomes that are underpinned by regulations

**Information gathering** – we carry out inspections and receive solicited and unsolicited information in respect of the quality of services provided

**Behaviour modification** – we form judgements of compliance and issue Action Plans towards driving continuous improvement and take enforcement action when this does not occur

Our **sustained and focused attempt** to alter the behaviour of others is achieved by the 3 components of effective regulation:

- Registration
- Monitoring
- Enforcement

## Why Registration?

- Informs applicants that they are part of a regulated sector governed by a legal process
- Makes it clear that the Authority has a gate-keeping role which assesses the fitness of individuals and services
- Publically confirms that providers and managers are 'fit persons' and so can legally provide the service
- Publically confirms that the service is in compliance with standards and regulations

# Registration

## From commencement date:

- All designated centres must be registered and this will take place over a three year phased basis
- It is an offence to manage or participate in the management of the centre unless the centre is registered
- All existing centres can continue to operate until they are registered but the obligations of the ACT, regulations and standards apply to the provider and the centre while awaiting registration by the Authority
- You have 6 months to let us know of your existence

# How do you let us know of your existence?

- Under section 69 of the Health Act 2007, it is the responsibility of the provider organisation to identify residential services that are required to register and to inform the Authority of those designated centres **as soon as practicable** and not later than 6 months after the commencement of regulation.
- We will write to each provider following commencement and send out a template for you to complete.
- To inform your decisions, you should refer to the HIQA guidance document *What Constitutes a Designated Centre for People with Disabilities*
- It is open to providers to propose combinations or groupings of residential services as a single designated centre for registration purposes

# Registration - A Process

The registration process is divided into 3 phases:

- Application phase
- Inspection phase
- Proposal/ Decision phase

# Phase 1 - Application

## How do I apply for registration?

- We will write to you asking you to apply for registration
- A copy of the letter, application form and accompanying documentation will also be emailed to you to complete
- You complete the registration application form, and enclose the required documentation with the application form, and submit to the Authority within 8 weeks
- An application is not deemed complete unless all of the required documentation and information has been submitted plus the prescribed fee

## What information is sought in the Application Form?

The registration regulations prescribe the information required. The application form is divided into two parts:

- **Section A** – information on providers (individuals, partners, directors of a company, a corporate body, committee of management of an unincorporated body)
- **Section B** – information on the centre and the staff employed in the centre

Where a provider is applying to register more than one designated centre, *Section B is required to be completed for each designated centre along with the application fee per designated centre*

## **Documents that must accompany the application in respect of the Person in Charge and persons participating in management**

- Proof of identity (all)
- Copy of birth certificate (person in charge)
- Completed Garda vetting forms (all)
- Two completed references (person in charge)
- Documentary evidence of relevant professional qualifications or relevant accredited training (person in charge)
- Completed medical declaration form (person in charge)
- 'Verification of why previous employment ended' form (person in charge)
- Self-declaration form (all)

## **Documents that must accompany the application in respect of the designated centre**

- Statement of Purpose and Function
- Declaration of compliance with statutory requirements relating to Fire Safety and Building Control (HIQA form RD10)
- Copy of contracts of insurance
- Written Guide produced for residents and example of any brochure used for the centre
- Evidence that centre complies the Planning and Development Acts 2000-2006 and any building bye-laws that may be in force
- Two copies of final as-built floor plans to scale

## Phase 2 - Inspection

### What happens after completed application is submitted?

- A registration inspection is scheduled and the provider is usually given three weeks notice of the inspection
- A letter announcing the inspection is sent to the centre along with posters and relative and resident questionnaires
- The inspection takes place and an inspection report with Action Plan is sent to the provider

## What evidence are we seeking during Phase 1 and 2 of the Registration Process?

- that the provider organisation is governed in a “fit” manner
- that residents are protected through the actions of ‘fit’ persons supported by good governance structures
- that services are appropriate, person centred, evidence-based & enabling of the person receiving the service
- that risk is balance with safety
- that personal planning is conducted in partnership with people using services
- that staff are competent and properly supervised
- that the concept of ‘quality of life’ is central to the service provided
- that “each resident is provided with appropriate care and support in accordance with evidence-based practice, having regard to the nature and extent of the resident’s disability and assessed needs and his or her wishes’  
*Article 13(1) of the Health Act, 2007 (Care and Support of Residents in Designated Centres for Persons(Children and Adults with Disabilities) Regulations 2013*

## Phase 3- Proposal/Decision Phase

- Following inspection the inspector reviews all evidence gathered during the application and inspection phase of the registration process:
- The inspector compiles a report for the consideration of the registration panel setting out his /her findings, judgements, and recommendations
- The registration panel reviews:
  - The Inspector's Report to Panel
  - The Inspection report and action plan
  - Statement of Purpose
- The registration panel considers and discusses:
  - Fitness of provider and management team
  - Compliance with Standards, Regulations and Acts
  - Appropriate conditions – ex: Max number of residents
- Makes a recommendation to the Chief Inspector to grant or refuse registration with conditions

# Registration - Conditions

When granting the application, the Chief Inspector will register a centre under two categories of conditions:

➤ **General conditions**

General conditions relate to matters which are considered in respect of all registrations, such as, the maximum number of persons that may be accommodated at the designated centre.

➤ **Specific conditions**

Specific conditions will only be imposed for the purpose of ensuring that the needs of people who use the service are met, and where there is evidence to support imposition of the condition (or any variation of it).

# Proposed Decision of the Chief Inspector

The Chief Inspector issues a Notice of Proposal to the provider:

- to grant registration
- to grant registration with restrictive conditions
- to refuse registration

## Registration Proposal – What if you don't agree?

- You have 28 days to respond in writing to the Chief Inspector's 'proposal'
- The Chief Inspector will consider your representation and agree/disagree with your representations and issue 'decision'
- You have right of appeal against decision to District Court within 28 days of receipt of decision
- The decision will not take effect if appeal is brought until a determination is made or the appeal is withdrawn

# Notice of Decision

A Notice of Decision is issued to the applicant:

- Granting or refusing registration and setting out the conditions of registration
- Listing different conditions in response to representations and also informing the applicant of his/her right of appeal to the District Court

## **Applicant's Right to Appeal to a Notice of Decision**

### **The decision does not take effect for 28 days unless:**

- You notify the Chief Inspector in writing that you do not intend to make an appeal and so shorten the 28 day period using the pro forma
- You notify the Chief Inspector in writing that you intend to appeal the decision to the District Court
- If you do not respond – after 28 days a Registration Certificate is issued

# Registration Certificate

- A registration certificate is issued
- Must be prominently displayed in the centre
- The certificate states the operating conditions
- Operating conditions may only be changed following an application to the Chief Inspector to vary or remove certain of the conditions
- If changes are granted to operating conditions a new certificate is issued
- If registration is cancelled or reissued the previous certificate must be returned.
- Details of registration are entered on the online register
- Registration is for three years

# ***Questions & Answers***