



**Health
Information
and Quality
Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

Regulation of
Health and Social
Care Services

Regulatory Notice

Important Information regarding
registration documentation for
intended and registered providers
of designated centres

Updated July 2021

Introduction

This regulatory notice from the Chief Inspector is aimed at guiding intended and registered providers of designated centres (collectively referred to in this notices the 'Provider') in the following areas:

1. Making an application to register or renew the registration of a designated centre, including outlining who is authorised to sign the application form and other relevant forms.
2. Information prescribed by the registration regulations¹ which must accompany an application to register or to renew the registration of a designated centre.
3. Outlining who can be the 'registered provider representative'.
4. Outlining who is a 'person participating in the management' of the designated centre.

Providers are required to adhere to the information contained in this notice and consider it in conjunction with the relevant guidance for providers published on HIQA website at <https://www.hiqa.ie/guidance-providers>.

1. Making an application to register or renew registration

Legally, a provider must apply to the Chief Inspector to register or renew the registration of a designated centre under Section 48 of the Health Act 2007 as amended (the "Act").

Any person² seeking to register or renew the registration of a designated centre must submit an application in the format set out by the Chief Inspector.

In order to assist providers, application forms for the various provider entities are available on HIQAs <https://www.hiqa.ie/guidance-providers> along with a detailed

¹ Health Act 2007 (Registration of designated centres for older people) Regulations 2015; Health Act 2007 (Registration of designated centres for persons (children and adults)with disabilities) Regulations 2013 as amended; Health Act 2007 (Care and Welfare of Children in Special Care Units) Regulations 2017.

² The word "person" can mean a legal person such as a limited liability company or an unincorporated body of persons as well as an individual

guidance document entitled - *Registration, renewal and variation application handbook*.

A. Who is the applicant?

The person making the application to the Chief Inspector for registration or to renew registration is the person whose name will be entered onto **the official public register of designated centres** as the person carrying on the business of the designated centre, if the application is successful.

B. Who can sign the application form?

In the first instance, the application must be signed by an individual³ who is an inherent part of the Provider entity, such as:

- the individual person in the case of a sole trader
- a director of the company
- a partner of the partnership
- a member of the committee of management or other controlling authority of an unincorporated body
- the 'person responsible for the application on behalf of a statutory body'⁴ in the case of a statutory body.

Authorised signatories

Sole traders must sign all relevant documentation themselves. Alternatively, if the Provider is a company, a partnership or an unincorporated body, the Provider may appoint an individual or individuals as an authorised signatory or authorised signatories to sign relevant documentation⁵ on its behalf.

³ It is the responsibility of such an individual to ensure that they have been duly authorised by the Provider to sign an application.

⁴ Health Act 2007 (Registration of designated centres for older people) Regulations 2015; Health Act 2007 (Registration of designated centres for persons (children and adults) with disabilities) Regulations 2013 as amended;

Health Act 2007 (Care and Welfare of Children in Special Care Units) Regulations 2017.

⁵ Application forms to register or renew registration, Registration Notification Forms NF30-NF37 and prescribed Information Forms that require a signature.

Once validly appointed, an authorised signatory or signatories will be authorised to sign all relevant forms on behalf of the Provider until such time as the authorisation is revoked by the Provider and such revocation is notified to the Chief Inspector in writing.

Where an authorised signatory has been appointed, an original hard copy letter signed by the Provider – stating that the authorised signatory or signatories has or have been validly authorised to sign documentation on behalf of the Provider – must be sent to the Chief Inspector in advance of the authorised signatory exercising signing authority.

This authorisation must take the form of a resolution duly passed by:

- The board of directors of the company named as being the Provider or
- The partners of the partnership named as being the Provider or
- The members of the committee of management or other controlling authority of the unincorporated body names as being the Provider.

Letters of authorisation for authorised signatories

The letter, notifying the Chief Inspector of the appointment of an authorised signatory, must include the following information:

- Confirmation that a resolution has been passed by those persons or directors names as the provider
- Confirmation that the appointment of the named authorised signatory or signatories has been validly authorised by the Provider in line with all applicable laws and in line with the terms of the rules of establishment or constitutional documents or deed or other documentation or governing principles of the Provider
- Confirmation that the appointment of an authorised signatory or signatories has taken place with the knowledge and consent of all relevant parties, including those nominated by the Provider to be an authorised signatory
- Confirmation that there are no limits or restrictions of any kind on the Provider that would prevent the appointment of an authorised signatory or signatories
- An undertaking by the Provider to notify the Chief Inspector immediately and in writing of any change to the authorised signatory or signatories.

We have created a template letter of authorisation for authorised signatories, which is available on our website, www.hiqa.ie or which can be accessed by clicking on the following link: <https://www.hiqa.ie/sites/default/files/2018-08/Template-Letter-of-authorisation-for-authorized-Signatories.pdf>.

Who can sign the letter of authorisation?

The letter notifying the Chief Inspector of the appointment of an authorised signatory may be signed by an individual who is an inherent part of the Provider entity such as:

- a director of the company
- a partner of the partnership
- a member of the committee of management or other controlling authority of an unincorporated body.

The original hard copy letter must be sent to the Chief Inspector by post in advance of the authorised signatory exercising signing authority during the application process, such as before an application to register or renew registration is made by the Provider. Table 1 indicates who will be accepted by the Chief Inspector to sign registration applications on behalf of the Provider.

Table 1. Who will be accepted by the Chief Inspector to sign registration applications on behalf of the Provider

Who can make an application	Who will be accepted by the Chief Inspector to sign the application on behalf of the Provider
Sole trader	The Individual person (Sole Trader – the person applying to register or renew registration)
Company	A Director of the company OR A named individual authorised by the company in line with the constitutional documentation of the company and or the Companies Act 2014 to sign on behalf of the company and notified to the Chief Inspector by the Provider.
Partnership	A partner of the partnership OR A named individual authorised by the partnership in line with the partnership deed and or the Partnership Act 1890 to sign on behalf of the partnership and notified to the Chief Inspector by the Provider
Unincorporated body	A member of the committee of management or other controlling authority of an unincorporated body. OR A named individual authorised by the unincorporated body in line with the terms of the rules of establishment or constitution or deed or other document or governing principles of the unincorporated body to sign on behalf of the unincorporated body and notified to the Chief Inspector by the Provider
Statutory body	The person responsible on behalf of the statutory body for the application ⁶ .

⁶ Health Act 2007 (Registration of designated centres for older people) Regulations 2015;
Health Act 2007 (Registration of designated centres for persons (children and adults)with disabilities) Regulations 2013 as amended;
Health Act 2007 (Care and Welfare of Children in Special Care Units) Regulations 2017.

C. Renewals applications

To renew the registration, the Provider (that is to say, the applicant) is legally required to apply to the Chief Inspector six months in advance of when the current registration expires⁷. A date which is six months before the date of expiry of a designated centre's registration is referred to as the 'application due date'.

Failure to apply as set out above will mean that the designated will cease to be registered when the current registration expires. Furthermore, the Act clearly states a person shall not operate a designated centres unless it is registered by the Chief Inspector⁸, and operating an unregistered centre is an offence under the Act⁹.

Applications to renew are pre-planned and based on the expiry date of the current registration. The Chief Inspector supports Providers in complying with this requirement by issuing the application form and associated information to Providers two months in advance of the application due date.

Therefore, Providers should plan their renewals of registration in a timely manner and well in advance of the application due date (rather than the registration expiry date). They should have all the required documentation up to date and to hand, and the signatory to the application or authorised signatory should be available to sign the application to the Chief Inspector, as set out earlier in this regulatory notice.

D. What makes an application a valid application?

Four key items¹⁰ must be included in your application to make it a complete and valid application. Certain other information and documentation is also required to accompany the application to register or renew the registration of a designated centres (see Section 2).

⁷ Section 48 (3) Health Act 2007 as amended

⁸ Section 46, Health Act 2007, as amended

⁹ Section 79(1), Health Act 2007, as amended

¹⁰ Section 48, Health Act 2007, as amended

1. The completed application form

All sections of the application form must be complete in full in order to make the application form valid and must be signed by an individual on behalf of the Provider as identified in Table 1 above.

2. Floor plans of the designated centre or proposed designated centre

Floor plans of the designated centre or proposed designated centre must be included. They do not necessarily have to be drawn up by an architect or other qualified person, but they must be accurate and to scale, and be clear and legible. All parts of the designated centre must be outlined in red, and overnight accommodation (bedrooms) must be outlined distinctively using blue lines.

3. Statement of Purpose

It is the Provider's responsibility to ensure that the Statement of Purpose is included in your application. The Statement of Purpose must include all the details as set out in Schedule 1 of the relevant regulations¹¹. Please refer to the guidance on the Statement of Purpose and template¹² on the HIQA website.

4. Registration Fee

The application must include the application fee¹³ and the registration regulations set the details of the fee to be paid. Payments will only be accepted by EFT (electronic funds transfer) payment. Please do not send us a cheque, as it will be returned to you. Guidance on how to pay the application fee is available on HIQA's website at <https://www.hiqa.ie/guidance-providers> entitled Registration, renewal and variation application handbook.

¹¹ Health Act 2007 (Registration of designated centres for older people) Regulations 2015; Health Act 2007 (Registration of designated centres for persons (children and adults)with disabilities) Regulations 2013 as amended; Health Act 2007 (Registration of Designated Centres)(Special Care Units) Regulations 2017.

¹² Guidance on the Statement of Purpose for children and adults with disabilities (DCD) is located here <https://www.hiqa.ie/guidance-providers>

Guidance on the Statement of Purpose for designated centres for older people (DCOP) is located here <https://www.hiqa.ie/guidance-providers>

Guidance on the Statement of Purpose for Special Care Units (SCU) is located here <https://www.hiqa.ie/guidance-providers>

¹³ Section 48(2) Health Act 2007 as amended

Examples of incomplete applications

The Chief Inspector has found the following most common errors or omissions in applications received from Providers:

- The Provider has failed to complete the application form correctly.
- The application form has been signed by a person who is not authorised to do so.
- The registration fee has not been paid.
- Floor plans are not legible and do not accurately reflect the footprint of the designated centre or proposed designated centre (area occupied by the designated centre).
- The start and end date of any lease agreement is not included in the application form.

You must ensure you include all parts of the application. This is important because failure to submit or include one or more of the above items of information and or the fee, or where any of these items are deemed invalid automatically results in the application being deemed invalid. In such cases all the submitted documentation will be returned to the applicant to fully complete and resubmit.

Should the Provider fail to submit a valid and complete application six months before the current registration expires, then the designated centre will cease to be registered when the current registration expires¹⁴.

Should you have any queries on the application process you should contact the Registration Team at registration@hiqa.ie.

2. Information prescribed by the registration regulations to accompany an application to register or renew the registration of a designated centre

In addition to the four items above which must be included in your application to register or renew registration, certain information and documentation is also required

¹⁴ Section 48(3), Health Act 2007 as amended

to accompany the application to register or renew the registration of a designated centre.

This is referred to as *prescribed information*¹⁵ the details of which are set out in the registration regulations and relates to:

- the applicant or the Provider
- the person in charge
- each person participating in management, and

It is recommended that Providers submit this information at the same time as the application to register or their application renew their registration. It is the Provider's responsibility to ensure that all required prescribed information is submitted.

In order to assist providers, detailed guidance is available on HIQAs website at https://www.hiqa.ie/guidance-providers_entitled: *Guidance for registered providers submitting prescribed information as part of a registration pack.*

While not an exclusive list, the Chief Inspector has found the most common errors or omissions in relation to submitting prescribed information relate to:

- all the required prescribed information not being fully submitted
- Garda vetting disclosures not being submitted
- Garda vetting disclosures do not comply with the above guidance.

Following submission of a complete and valid application (that is to say, the completed application form; floor plan; statement of purpose and the application fee), if some or all of the prescribed information has still to be submitted, the Registration office will issue a letter by email and post to the Provider identifying the remaining items of prescribed information that must be submitted. In this letter, the Registration Officer will ask you to submit this information within 10 working days. This timeframe will be defined in the correspondence.

¹⁵ Section 48(2) Health Act 2007 as amended

An individual authorised on behalf of a Provider to sign an application to register or renew the registration of a designated centre will also be accepted as a signatory for prescribed information forms that require a signature. See Table 1 above.

Afterwards, any prescribed information not provided to the Chief Inspector may result in escalated regulatory activity and may include the refusal by the Chief Inspector of the application to register or renew. Should you have any queries on prescribed information, you should contact the Registration Office at registration@hiqa.ie.

3. Changes to information supplied for the purpose of application to register or renew (Registration Notifications)

An individual authorised on behalf of a Provider to sign an application to register or review the registration of a designated centre will also be accepted as a signatory for these notifications¹⁶ and prescribed information forms relating to these notifications that require a signature. See Table 1 above.

4. The Registered Provider Representative

To ensure that the Chief inspector can effectively communicate with the Provider in all matters where there are significant concerns or risks about the governance and operational arrangements and/or the sustainable safety and welfare arrangements for residents, all Providers (with the exception of sole traders) can, in writing to the Chief Inspector, state the name of their representative. This person is known as the **registered provider representative**. Where a Provider chooses not to name a representative, the Chief Inspector will engage on escalated matters with any Director of the company or any partner of the partnership or any member of the committee of management or other controlling authority of an unincorporated body.

The Chief Inspector only needs to engage with the registered providers' representatives or those persons named above where there are significant concerns or risk identified by inspectors that may impact residents living in the designated centre. In such situations the registered provider representative must have the

¹⁶ Notification Forms NF30-NF37

autonomy and authority to answer for and act on behalf of the provider in relation to such matters. Conversely, for issues pertaining to the day to day management of the centre, the Chief Inspector will engage with the person in charge and person or persons participating in the management of the centre.

Providers can identify the registered provider’s representative in their application form when they are applying to register or renew the registration, or can email the person’s details to registration@hiqa.ie in the absence of an active application, such as when there is a change of registered provider’s representative.

Table 2 below outlines examples of who will be accepted by the Chief Inspector as a registered provider’s representative.

Table 2. Example of who will be accepted by the Chief Inspector as a registered provider’s representative

Type of provider entity	Registered provider’s representative
Company	A director of the company
Partnership	A partner of the partnership
Unincorporated body	A member of the committee of management of other controlling authority of the unincorporated body
Statutory body	Person with delegated authority as provided for by the relevant act for the Statutory Body

Should you have any queries on the registered provider’s representative please contact your case-holding inspector in the first instance and thereafter the regional manager for your designated centre. Persons intending to become Providers can contact registration@hiqa.ie who will respond to your query accordingly.

5. Person participating in the management of the designated centre

The person or persons named in the application form, or in a subsequent notification¹⁷ to the Chief Inspector during the registration cycle, as the person or persons participating in management¹⁸ of a designated centre must ensure that the centre delivers a safe quality service on behalf of the registered entity.

Therefore the Chief Inspector requires the individuals who carry out this role¹⁹ are senior decision-makers who are authorised for and on behalf of the Provider to make operational decision which are implemented throughout the centre and service.

Whenever it is necessary for a Provider to appoint several senior decision-makers as persons participating in the management of the centre, the Provider must demonstrate solid governance arrangements to support consistent and coordinated operational decision-making and effective communication procedures.

When a provider puts forward a person to participate in the management of the centre, under Section 50 of the Act, and the Chief Inspector believes the nominated person does not meet these criteria, the Chief Inspector will not progress to an assessment of fitness for the person in question. The Provider will be told of this decision.

In order to assist Providers in this area, detailed guidance is available on HIQAs website at <https://www.hiqa.ie/guidance-providers>: called - *Guidance - assessment of fitness for designated centres*

Should you have any queries on the role of person participating in the management of the centre please contact rst@hiqa.ie, who will transfer your query to your case-holding inspector in the first instance, and thereafter the regional manager for your designated centre.

¹⁷ The requirement to notify the Chief Inspector of persons participating in the management of the centre (including the PIC) as set out in the relevant Registration Regulations Health Act 2007 (Registration of designated centres for older people) Regulations 2015; Health Act 2007 (Registration of designated centres for persons (children and adults)with disabilities) Regulations 2013 as amended; Health Act 2007 (Registration of Designated Centres)(Special Care Units) Regulations 2017.

¹⁸ Section 50 Health Act 2007 as amended requires that persons participating in the management of the Designated Centre must be fit.

¹⁹ Refer to assessing fitness guidance on HIQA website

Persons intending to become Providers and who have questions about the process should please contact registration@hiqa.ie.

