

Nominated individuals: national event with CQC

24 November 2021



Welcome

- The first half of this event is being recorded.
- Please remain on mute unless you are talking.
- Please use the chat function or raise hand function for questions and comments. We will endeavour to respond to as many questions as possible during the Q&A session.
- A Q&A document and resources document will be developed and shared with the recording of the event on the Skills for Care website.



What we will be covering

Part 1: national focus (recorded)

- Introduction by Skills for Care
- Presentation by CQC
 - What is an NI?
 - Legal requirements
 - Role and responsibilities of an NI
 - Fulfilling the dual role of NI and RM (where applicable)
 - Relationship between the NI, RM and CQC inspector
 - Best practice examples
- Q&A with CQC and Skills for Care



Part 2: regional break-out discussion

- Skills for Care offer to NIs and other roles
- Networking



Nominated Individuals

Andy Brown

National Registration Advisor

Patrick Wilkinson

Registration Manager





- **Nominated individuals (NIs) are not registered persons** (like registered managers).
- Where an organisation carries on regulated activity, **it is the organisation that is the applicant, not the NI or the directors.**
- **CQC assesses the organisation's compliance with the requirements**, not the personal fitness of the NI.
- **NIs have no statutory responsibilities.**
- **CQC has no powers to hold NIs personally to account for non-compliance.**
- **There is no requirement to have any particular qualification, skills or experience** to be an NI.
- **It is for providers to select their NI** – as long as they comply with Regulation 6.



- **Nominated individuals (NIs) have no statutory responsibilities with inspection** and do not have to be present at an inspection or feedback meeting about an inspection.
- The **NI is usually the person employed as a director, manager or secretary of a body** and whose email address has been given through their statement of purpose as the main point of contact.
- Due to this, the NI will receive certain communications and correspondence, for example, public statement email, legal notices and notices of proposal.
- The NI is the person who is responsible for supervising the management of the carrying on of the regulated activity by that body. Due to this, **we encourage NIs to have a role that includes oversight of, and support for, the registered manager.**



- When a body, other than a partnership, applies for registration they are required by Regulation 6 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 to nominate a person to be their ‘nominated individual’ (or ‘NI’).



- **6(1)** *This regulation applies where the service provider is a body other than a partnership.*
- **(2)** *The body must give notice to the Commission of the name, address and position in the body of an individual (in these Regulations referred to as “the nominated individual”) who is:*
 - *(a) employed as a director, manager or secretary of the body, and*
 - *(b) responsible for supervising the management of the carrying on of the regulated activity by the body.*



- *(3) The registered person must take all reasonable steps to ensure that the nominated individual:*
 - *(a) is of good character,*
 - *(b) has the necessary qualifications, skills and experience to properly supervise the management of the carrying on of the regulated activity,*
 - *(c) is able by reason of their health, after reasonable adjustments are made, of properly doing so, and*
 - *(d) is able to supply to the registered person, or arrange for the availability of, the information specified in Schedule 3.”*



- We must be notified of the name, address and position of a body's NI. This means we can be sure that the person has been duly authorised to represent the body in its dealings with us.
- They must have a significant role within the body, so that we know they can talk with authority for and can communicate with the body at a senior level.



- The NI must be able to talk about and be able to influence the care or treatment provided because their substantive position within the body includes “*supervising the management of the carrying on of the regulated activity by the body*”.
- This is so that they can tell us about how the regulated activity will be managed and supervised and the safety of people, which is our main focus.



- The NI must be a fit person. Like everyone appointed by the provider, the NI must have the character, skills, competence, qualifications and experience to properly perform their role within the body (not to *be* the NI).



- When CQC assesses (either at registration or inspection), it has to be able to talk to an individual who has been authorised to talk on behalf of the provider.
- Regulation 6, requires providers to nominate a person for this purpose (the ‘Nominated Individual’).



- To be able to perform this function, Regulation 6 says that NIs:
 - Must have been appointed to a suitably senior position in the organisation.
 - Their role in the organisation must be such that they can talk with authority about the management of the regulated activity.
 - They must be fit (with necessary skills, competence, qualifications and experience to perform the role to which they have been appointed, e.g., a clinical director would need to have the necessary skills etc to perform that function).



- The NI represents the provider in their dealings with CQC.
- At the application point, CQC relies on what the NI tells us to assess **the provider's compliance** with the requirements.
- The NI should understand the provider's governance arrangements and how the provider will ensure that the service is well led and deliver good outcomes.
- They will need to understand the regulations and guidance, or they may not satisfy us about how the provider will comply with them.
- They should understand and be able to explain the service model ('model of care').



- Who the provider nominates is up to them (as long as they meet the definition).
- But, if they choose a person who does not represent them well, then CQC may not be satisfied about the provider's compliance with the requirements.
- It is not unusual for this to lead to refusal of registration.
- So, it is very much in the provider's interest to choose the right person to represent them and to ensure that they have everything they need to satisfy us.



- If CQC forms the view that the NI may not be fit for their position in the organisation, then we may ask for confirmation of how they were appointed.
- CQC does not specify what qualifications, experience or skills an NI must hold, because that will depend on the position they hold in the organisation.
- The question is, can the NI satisfy CQC about the provider's compliance with the requirements, including the way that the regulated activity will be managed and supervised?



- The Regulations do not prevent this. In very small (e.g. one person) organisations, there may be no immediate alternative.
- However, the arrangement is **not recommended**, especially in organisations where other directors or senior managers could be nominated.
- Remember, when it needs to communicate with **the provider**, CQC will contact the NI.
- If there are concerns about the RM or their management of a regulated service, CQC will have no other channel to raise these with the provider, if the RM and the NI and one and the same.



- In one director companies, where the director is also the RM/NI, we may ask how the company is able to monitor and evaluate its performance, or how the company will manage if the person becomes unavailable (e.g. due to sickness).
- Larger companies sometimes delegate the NI function to the RM (often on the basis of the wrong assumptions) - **this is not recommended.**



- Providers are more likely to choose well when they understand that:
 - The RM will be responsible for the direct management of the regulated activity at the locations listed in their conditions of registration.
 - The NI role is to represent **the organisation** (at organisation level).
 - They will need to be familiar with organisational-level governance.
 - Their position must include **supervising the management** of the regulated activity.



- Providers are more likely to choose well when they understand that:
 - Ideally, the NI should be senior to the RM(s).
 - This could be the RM's line manager or someone higher up a structure.
 - In smaller organisations, this this could be at board level.
 - In very large organisations, they should be senior enough to represent the organisation, but not so senior that they have only an indirect role in supervising the management of the regulated activity (because this is invariably what CQC will want to talk to them about when we make contact).



- **REMEMBER:** It is very much in the organisation's interest to nominate the right/best person to represent them. Failing to do so can make the difference between an application being granted or it being refused.



- NIs are the provider's 'ambassador' to CQC.
- They act as a 'bridge' or 'conduit', through which the provider should aim to build a positive relationship with CQC.
- Managing this relationship can be complex and challenging.
- The wider the scope and bigger scale of provided activities, the more complex and challenging the task may become.
- When things go well, there may be infrequent contact with CQC, but when there are issues, the NI role can become critical.
- The NI should be open and honest with CQC and able to work constructively with their CQC relationship owner.



- This requires both professional knowledge and skills in the relevant sector, and an understanding of CQC's regulatory model and approach.
- The NI keeps CQC informed of developments within the provider organisation – and the provider's informed about regulatory changes and developments at CQC.
- The NI works with their RM(s) to ensure that CQC has the assurance it requires.
- CQC can take considerable assurance from a skilled NI who represents the organisation well.
- The best NIs have a wide role in their organisation: delivering improvement, driving up quality and are able to represent this effectively to CQC.

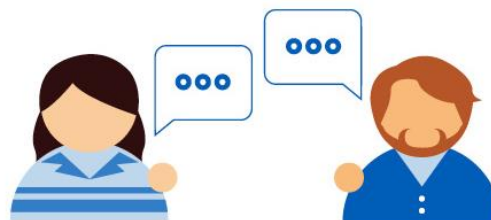
Q&A session



How to stay in the loop

Keeping up-to-date

- CQC updates
- Skills for Care:
 - Fortnightly [eNews](#)
 - Membership and networks for registered managers
 - Area teams and locality managers
 - Fortnightly large national employers' bulletin
- Local authorities or commissioners quality teams and provider networks
- Local and national care associations
- National organisations



The Care Exchange Podcast



Keeping up-to-date

- First launched in November 2020
- Series 1 – ten episodes available
- Series 2 - launched October 2021, with ten episodes planned

ANNOUNCEMENT: episode with a nominated individual as guest in January 2022





Find out more

[Nominated Individuals](#)

Regional discussions

Break-out rooms with Skills for Care

- Introductions
- Skills for Care offer of support to NIs and other available support
- Networking



Skills for Care recommends ...

It is imperative that you read and understand the CQC's Key Lines of Enquiry (KLOEs)



How CQC monitors, inspects and regulates adult social care services

August 2021

Always check CQC's bulletins and [website](#) for the most up-to-date guidance

Updates since June 2020 version:

- Removed reference to frequency of inspections as this will no longer apply

[CQC: Guidance for ASC Providers](#)

CQC monitoring - Key Lines of Enquiry

October 2021

As part of their [monitoring calls](#), CQC inspectors focus on a sub-set of their Key Lines of Enquiry (KLOE).

Listed below are the KLOEs that they look at, as well as links to more detailed information about the additional prompts an inspector may ask.

Also included are related recommendations and practical examples from excerpts from Skills for Care's Good and outstanding care guide.



Safe

S1: How do systems, processes and practices safeguard people from abuse?	CQC prompt questions	Skills for Care recommendations and examples
S2: How are risks to people assessed, and their safety monitored and managed so they are supported to stay safe and their freedom is respected?	CQC prompt questions	Skills for Care recommendations and examples
S3: How does the service make sure that there are sufficient numbers of suitable staff to support people to stay safe and meet their needs?	CQC prompt questions	Skills for Care recommendations and examples
S4: How do you ensure the proper and safe use of medicines?	CQC prompt questions	Skills for Care recommendations and examples
S5: How well are people protected by the prevention and control of infection?	CQC prompt questions	Skills for Care recommendations and examples

Effective

E7: How do you ensure consent to care and treatment is always sought in line with legislation and guidance?	CQC prompt questions	Skills for Care recommendations and examples
---	--------------------------------------	--



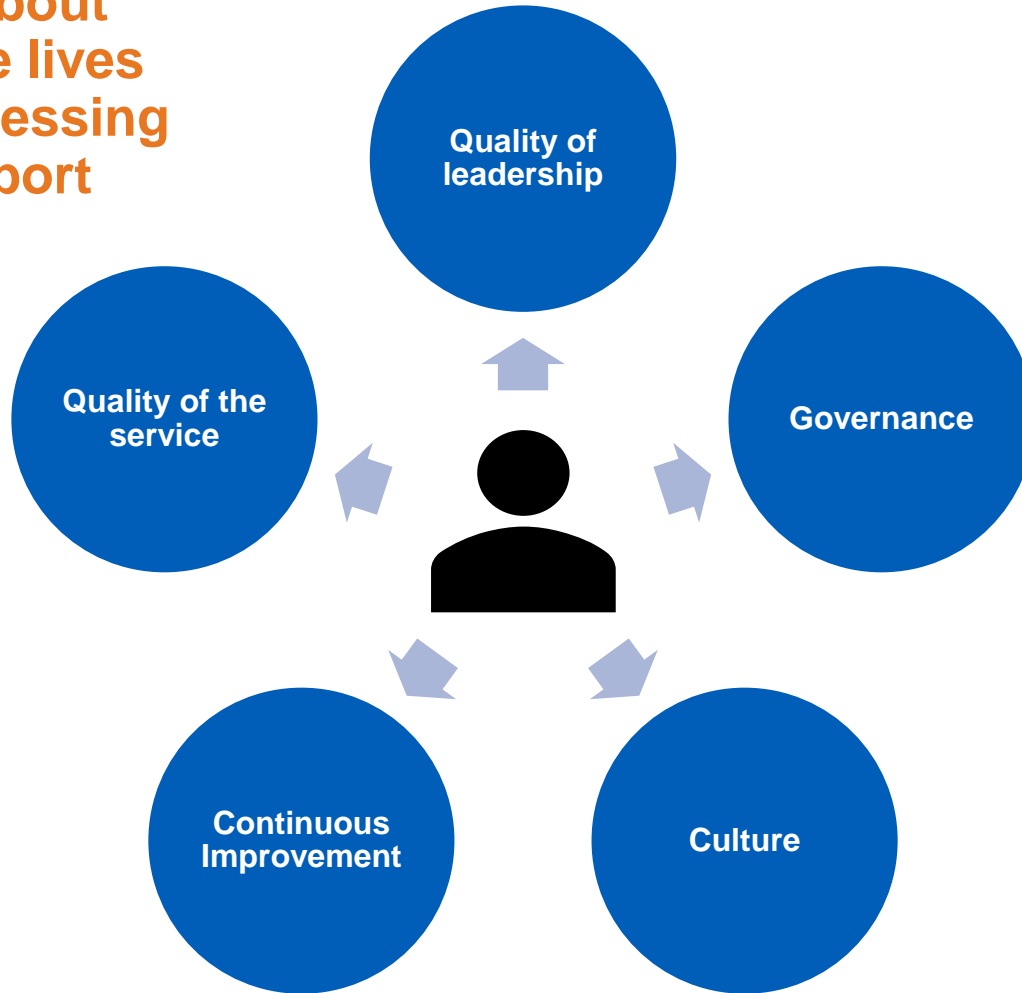
Top tips for nominated individuals

- Understand the standards and regulations in the sector
- Meet the expectations of the CQC
- Develop yourself as a leader
- Ensure RMs have support
- Focus on quality
- Ensure you have safe staffing levels
- Build and maintain external relationships
- Shape the culture of your service
- Network and learn with other nominated individuals
- Champion excellence in your organisation



Overview of the NI role

Your role is about improving the lives of people accessing care and support through your service



Existing groups to support Nominated Individuals

- Nominated individual specific networks
- CEO networks
- Registered manager networks
- Registered manager membership
- Deputy manager networks
- Registered manager Facebook Group



Feedback from nominated individuals

- Help from CQC to raise profile of role
- Need for CQC to reaffirm role and responsibilities
- Reflect on what a good relationship looks like between CQC inspector and registered manager
- CQC expectations on nominated individuals: lead-up, during and post inspection
- CQC expectations on nominated individuals: when things go wrong
- Case studies on good and outstanding services from a nominated individual perspective
- Guidance on how to split roles if dual role/s is held
- Training and learning & development opportunities



Registered manager networks

- Networks chaired by managers, for managers
- [150 local networks](#), covering every local authority area in England, new attendees always welcome



Registered manager membership

Skills for Care is the membership organisation for registered managers

- Through membership, we support managers to develop best practice and knowledge, keep up-to-date with sector developments and share ideas with like-minded peers
- Membership benefits include:
 - A printed copy of our Social Care Managers Handbook
 - Monthly newsletters, including practical information and guidance
 - An exclusive annual resource when you renew membership
 - Discounts on key resources

Become a member for £35 a year.

www.skillsforcare.org.uk/membership



Deputy manager networks

- Networks set up to support deputy managers to be the best they can be.
- Themed networks, including wellbeing and resilience, self-confidence and personal effectiveness, delegation with confidence and dignity, equality, diversity and inclusion, integrated care.
- [9 local networks](#), held virtually and facilitated by a Skills for Care locality manager.





Find out more

[Nominated Individuals](#)