

# Regulation 6: Requirement where the service provider is a body other than a partnership

## Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 6

The intention of this regulation is to ensure that the provider is represented by an appropriate person nominated by the organisation to carry out this role on their behalf (nominated individual). The nominated individual is responsible for supervising the management of the regulated activity provided.

This is because providers who comply with this regulation will have appointed as a nominated individual a director, manager or secretary who:

- Is of good character.
- Is able to properly perform tasks that are intrinsic to their role.
- Has the necessary qualifications, competence, skills and experience to supervise the management of the regulated activity.
- Has supplied them with documents that confirm their suitability.

CQC cannot prosecute for a breach of this regulation or any of its parts but we can take regulatory action. See the [offences section](#) for more detail.

CQC must refuse registration if providers cannot satisfy us that they can and will continue to comply with this regulation.

## The regulation in full

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, competence, 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.

4. In assessing an individual's character for the purposes of paragraph (3)(a), the matters considered must include those listed in Part 2 of Schedule 4

## Guidance

This sets out the guidance providers must have regard to against the relevant component of the regulation.

**6 (1)** This regulation applies where the service provider is a body other than a partnership.

**6(3)** The registered person must take all reasonable steps to ensure that the nominated individual is—

**6(3)(a)** of good character;

### Guidance on 6(3)(a)

- When assessing whether a nominated individual is of good character, providers must follow robust processes to make sure that they gather all available information to confirm that the individual is of good character, and have regard to the matters outlined in [Schedule 4, Part 2](#) of the regulations. It is not possible to outline every character trait an individual should have, but we would expect to see that the processes followed take account of honesty, trustworthiness, reliability and respectfulness.
- If a provider discovers information that suggests a nominated individual is not of good character after they have been appointed to a role, the provider must take appropriate and timely action to investigate and rectify the matter.

- Where a provider considers the nominated individual to be suitable despite the existence of information relevant to issues identified in Schedule 4, Part 2, the reasons should be recorded for future reference.

**6(3)(b)** has the necessary qualifications, competence, skills and experience to properly supervise the management of the carrying on of the regulated activity,

### Guidance on 6(3)(b)

- The nominated individual should be appropriately skilled with the necessary qualification(s), knowledge and experience, and demonstrates the competency required to supervise the management of the regulated activity.
- The nominated individual should demonstrate that they have appropriate knowledge of applicable legislation including the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, relevant best practice and guidance, and understand the consequences of failing to take action on set requirements.
- The provider must have appropriate processes for assessing and checking that the nominated individual holds the required qualifications and has the competence, skills and experience required to undertake the role. These processes must be followed in all cases and relevant records kept.

**6(3)(c)** is able by reason of their health, after reasonable adjustments are made, of properly doing so, and

## Guidance on 6(3)(c)

- This aspect of the regulation relates to the ability of nominated individuals to carry out their role. This does not mean that people who have a long-term condition or disability cannot hold such positions.
- The provider must have processes for considering the nominated individual's physical and mental health in line with the requirements of the role.
- All reasonable steps must be made to make adjustments for nominated individuals to enable them to carry out their role. These must be in line with requirements to make reasonable adjustments for employees under the Equality Act 2010.