

The new system of registration

Substance misuse services: frequently asked questions

From 1 October 2010, under the requirements of the Health and Social Care Act 2008, adult social care and independent health care providers that carry on regulated activities must be registered with the Care Quality Commission (CQC).

This will include existing providers that are not currently required to be registered under the Care Standards Act 2000, but who provide “regulated activities” and must complete the new registration process for the first time under the Health and Social Care Act. Regulated activities are defined in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010.

The National Treatment Agency for Substance Misuse (NTA) is working closely with CQC to clarify the implications of this new system for providers of substance misuse services. Below are some frequently asked questions that the NTA has developed with CQC about the substance misuse service providers that have to register with CQC. These FAQs may be updated as required.

However, **it is important that all providers of substance misuse services check the information on CQC’s website and follow the relevant guidance.** This can be accessed at: www.cqc.org.uk/guidanceforprofessionals/introductiontoregistration.cfm. Any additional queries should be directed to CQC at www.cqc.org.uk/contactus.cfm.

1. General registration issues

Question: In the past, the drug and alcohol treatment sector was registered as ‘independent health care’ or ‘adult social care’. Is this still the case in the new system?

Answer: The new registration system does not use or define these categories. Instead, it is based on whether a service provides particular ‘regulated activities’. The regulated activities that are most likely to apply to the substance misuse sector are:

- Accommodation for persons who require treatment for substance misuse. Treatment of disease, disorder or injury (TDDI). A provider will have to be registered for this regulated activity if the service includes treatment, carried out by or under the supervision of a listed professional, and is intended to treat disease, disorder or injury. TDDI may also include treatment for a mental disorder, which is defined as any disorder or disability of the mind, including dependence on alcohol or drugs.

Although these are likely to be the most common regulated activities for the sector, it is important that providers check whether they provide any other regulated activities. For more detailed definitions and guidance to establish whether or not your service provides regulated activities, please read *Scope of registration*, available at www.cqc.org.uk/scopeofregistration (page 14). Further information about these regulated activities as they apply to the substance misuse sector can be found in the relevant sections below.

Question: Which types of provider of substance misuse services have to register with CQC?

Answer: English NHS bodies that provide substance misuse services within the care and treatment they offer had to be registered with CQC by 1 April 2010. From 1 October 2010, under the requirements of the Health and Social Care Act 2008, other providers of substance misuse services (whether these are provided by adult social care or independent/third sector organisations) that carry on regulated activities must be registered with CQC. This will include existing providers that are not currently required to be registered under the Care Standards Act 2000, but who provide regulated activities and must complete the new registration process for the first time under the Health and Social Care Act 2008.

Question: Do all substance misuse organisations that are providing a regulated activity have to be registered with CQC?

Answer: All providers of a regulated activity are required to be registered with CQC. If they are not, they cannot legally provide the service.

Question: Where can providers who are new to the registration process find information?

Answer: This information can be accessed at CQC's website. If you are an adult social care provider, please visit:
www.cqc.org.uk/newinscopeASC.

If you are an independent health care provider, please visit:
www.cqc.org.uk/newinscopeIH.

CQC has also produced a *How to apply* booklet, which is available at: www.cqc.org.uk/firsttimeapplication. It provides more detail on the new system and the process for completing and submitting an application for registration

Question: What is the deadline for registration?

Answer: If you are a provider that is new to the scope of registration (that is, you are providing services that were not previously required to be registered under the Care Standards Act 2000), you are strongly advised to submit your completed application to CQC **before 1 August 2010**. This is because, if a newly in scope provider submits a complete application on or before 1 August 2010 and CQC has not made a decision about their registration by 1 October 2010, the provider will be protected from being prosecuted for carrying on a regulated activity without being registered. The application form and associated guidance are available from the CQC's National Contact Centre (see contact details below).

If you are such a provider and you apply after 31 July, you may be at risk of committing an offence under section 10(1) of the Health and Social Care Act 2008 if CQC has not made a decision about your application by 1 October 2010.

If you are a provider that is already registered under the Care Standards Act 2000, CQC will send you written notification of the date by which you will need to apply to re-register under the Health and Social Care Act 2008

Question: In registering, do providers have to give information about the types of services they provide?

Answer: Providers will need to indicate, as part of their application form, which regulated activities they provide and at which location. CQC has produced information about how to apply and this can be accessed from their website at www.cqc.org.uk/firsttimeapplication

2. Regulated activity: Accommodation for persons who require treatment for substance misuse

Question: Do residential substance misuse/rehabilitation services that offer treatment have to be registered for any other regulated activities, i.e. 'accommodation for persons who require treatment for substance misuse' **and** 'treatment for disease, disorder or injury'?

Answer: A service provider that provides the regulated activity of residential 'accommodation for persons who require treatment for substance misuse' must also be registered for any other regulated activities that they carry out. However, in respect of the regulated activity of 'treatment of disease, disorder or injury' (TDDI), the treatment for substance misuse is covered under the activity of 'accommodation for persons who require treatment for substance misuse'. Only if other treatments are being provided that are separate from the treatment of substance misuse would the

service also have to register for TDDI. So, for example, if a doctor from the team prescribed for a medical condition unrelated to the substance misuse or a nurse was carrying out treatment for a leg ulcer, then the provider would have to be registered for TDDI. This would apply for any other regulated activities that may be carried on, such as diagnostics and screening procedures.

Question: For ‘accommodation for persons who require treatment for substance misuse’, does the treatment have to be provided in the same place as the accommodation?

Answer: The accommodation and treatment must be linked from a contractual point of view, and must be provided by the same provider or two providers (where the service could not be delivered without both providers) when providing the regulated activity. However, they may not necessarily be provided in the same place. For example, the treatment may be delivered in a community setting (a day centre or community centre), whereas people may be accommodated in separate facilities geographically. However, the acceptance of this treatment **must** be a requirement of the accommodation. In the past, this may have been referred to as ‘quasi-residential’ because it was provided as if it were a residential service. This type of provision was exempt from registration under the Care Standards Act 2000, because it was not considered to be ‘an establishment’ as the accommodation was separate. But this would now come within the scope of the new registration system. All other organisations that provide NTA ‘Tier 4’ residential substance misuse services are likely to need to be registered with CQC for this regulated activity.

Question: What is meant by treatment in relation to ‘accommodation for persons who require treatment for substance misuse’?

Answer: In relation to this regulated activity, this means residential accommodation for a person, together with treatment for drug or alcohol misuse, where acceptance by the person of such treatment is a condition of the provision of the accommodation. The generic description of treatment is defined in the registration regulations as including:

- A diagnostic or screening procedure carried out for medical purposes.
- The ongoing assessment of a service user’s mental or physical state.
- Nursing, personal and palliative care.
- The giving of vaccinations and immunisations.

However, the definition of treatment is not limited to this description. For substance misuse services providing this regulated activity, ‘treatment’ would cover a range of recognised treatment interventions, such as managed withdrawal or detoxification or a structured psychosocial treatment programme. Any relevant service provider,

regardless of which member of staff provides the treatment, has to be registered for this regulated activity.

Question: Under the Care Standards Act 2000, nurses could not be employed to use their nursing skills in a service registered as a care home only. Does the same apply to services registered under the Health and Social Care Act 2008 for the activity of 'accommodation for persons who require treatment for substance misuse'?

Answer: No, the same does not apply. Therefore, services registered for 'accommodation for persons who require treatment for substance misuse' may employ nurses.

Question: Where there are several units of accommodation run by a service provider, do all the units have to have a registered manager?

Answer: Each location will need a registered manager. However, if there are several units on one site, this will be regarded as one location and will only require one registered manager. In some circumstances, a registered manager may be registered for more than one location.

Question: Is the legal definition of a 'Registered Care Home' replaced by anything in the Health and Social Care Act 2008?

Answer: There is no 'legal definition' of 'Registered Care Home' under the Health and Social Care Act 2008. However, there is a defined service type of a care home that can be found in our 'Guidance about compliance: Essential standards of quality and safety' document.

3. Regulated activity: treatment of disease, disorder or injury

Question: What is covered by 'treatment for disease, disorder or injury' (TDDI)?

Answer: For TDDI to be a regulated activity, it has to be treatment for a disease, disorder or injury by or under the supervision of:

- A health care professional or a multi-disciplinary team that includes a health care professional, or
- A social worker or a multi-disciplinary team that includes a social worker, where the treatment is for a mental disorder.

There is a list of defined health care professionals that apply for the purpose of this regulated activity only. Refer to the *Scope of registration* available at www.cqc.org.uk/scopeofregistration

Question: Are drug and alcohol workers included in the above list of professionals?

Answer: No. The types of professionals in the list that most commonly work in substance misuse services are medical practitioners, nurses and social workers. If any of these professionals are working in their registered capacity and providing treatment as part of a multi-disciplinary team, it means that the whole team will be within the scope of registration as providers of this regulated activity, and the organisation that employs them will have to be registered as providing TDDI.

However, if the service does provide substance misuse treatment but the team does not contain any of these professionals working in their registered capacity (ie under their protected professional titles), then the provider does not need to be registered for this regulated activity. For example, if the service provider employs staff as drug and alcohol workers as part of a community based multi-disciplinary drug and alcohol team, but the team does not contain a medical practitioner, nurse or social worker, then the provider **does not** need to register for this activity.

Question: Can 'secondary care', which may involve a less intensive treatment programme, be registered?

Answer: Providers are required to be registered for the defined 'regulated activities'. You therefore need to decide whether the activities you provide fall within the regulated activity categories. For more detailed definitions and guidance to establish whether or not your service provides regulated activities, please read *Scope of registration*, available at www.cqc.org.uk/scopeofregistration.

Question: Does the provision of detoxification trigger registration for 'treatment for disease, disorder or injury' as well as 'accommodation for persons who require treatment for substance misuse'?

Answer: If the provider is carrying on the regulated activity of 'accommodation for persons who require treatment for substance misuse' and such treatment includes detoxification, then the provider does not have to register for the additional activity of 'treatment of disease, disorder or injury' because this will be included in the activity of 'accommodation for persons who require treatment for substance misuse'. If, however, people are not being provided with residential accommodation and they are receiving treatment of detoxification, then the provider will have to be registered for the regulated activity of TDDI if prescribed professionals are involved in that activity.

Question: Some substance misuse service providers offer treatment for eating disorders. Does this trigger registration for 'treatment of disease, disorder or injury'?

Answer: If treatment for the eating disorder is being provided by, or under the supervision of any professional listed below, the provider is required to register for the regulated activity of 'treatment of disease, disorder or injury':

- 1) A health care professional, or
- 2) A multi-disciplinary team involving a health care professional, or
- 3) A social worker, or
- 4) A multi-disciplinary team involving a social worker.

For a detailed list of healthcare professionals, please see page 25 in the *Scope of registration* document.