
STATUTORY INSTRUMENTS

2013 No. 2668

**The Providers of Social Work
Services (England) Regulations 2013**

PART 5

Conditions and Reports

Application for variation or removal of a condition

20.—(1) In this regulation, “proposed effective date” means the date requested by the registered provider or manager as the date on which the variation or removal applied for is to take effect.

(2) An application must be—

- (a) made in writing on a form approved by HMCI;
- (b) sent or delivered to HMCI not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with HMCI; and
- (c) accompanied by the information specified in paragraph (3).

(3) The following information is specified—

- (a) the proposed effective date;
- (b) the registered provider’s or manager’s reasons for making the application;
- (c) details of changes that the registered provider or manager proposes to make in relation to the social work service as a consequence of the variation or removal applied for, including details of—
 - (i) proposed structural changes to the premises that are for the purposes of the service,
 - (ii) additional employees, facilities or equipment, or changes in management that are required to ensure that the proposed changes are carried into effect, and
 - (iii) any changes to the information listed in Part 2 of Schedule 3.

(4) The registered provider or manager must provide HMCI with any other documents or information that HMCI may reasonably require in relation to the application.

Report as to financial viability

21. If it appears to the registered provider that the social work service is likely to cease to be financially viable at any time within the following six months, the registered provider must give a report to HMCI of the relevant circumstances.

Cancellation of registration

22. The following grounds are specified for the purposes of section 14(1)(d) of the Act as grounds on which HMCI may cancel the registration of a person in respect of a social work service (1)—

- (a) that in the view of HMCI there are persistent failings causing serious risks to the welfare of children;
- (b) that the registered provider or manager has in relation to any application—
 - (i) for registration; or
 - (ii) for the variation or removal of a condition in relation to the applicant’s registration, made a statement which is false or misleading in any material respect or provided false information; or
- (c) that the registered provider has ceased to be financially viable, or is likely to cease to be so within the next six months.

Application for cancellation of registration

23.—(1) In this regulation—

“application for cancellation” means an application by the registered provider or manager under section 15(1)(b) of the Act for the cancellation of that person’s registration;

“notice of application for cancellation” means a notice by the registered provider or manager stating that they have made, or intend to make, an application for cancellation; and

“proposed effective date” means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

(2) An application for cancellation must be—

- (a) in writing on a form approved by HMCI;
- (b) sent or delivered to HMCI not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with HMCI; and
- (c) accompanied by the information specified in paragraph (4).

(3) If the registered provider or manager makes an application for cancellation the registered provider or manager must, not more than seven days thereafter, give notice of the application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom the registered provider or manager has given such notice within three months before making the application for cancellation.

(4) The following information is specified—

- (a) the proposed effective date;
- (b) a statement as to the arrangements (if any) that have been made by the registered provider to ensure that on and after—
 - (i) the date of application for cancellation; and
 - (ii) the proposed effective date,

service users will continue to be provided with similar services as those provided to them by the social work service at the date on which the application for cancellation is made;

- (c) the registered provider’s or manager’s reasons for making the application for cancellation;
- (d) particulars of any notice of application for cancellation that has been given to any of the following persons—

(1) Section 14 of the Care Standards Act 2000 also provides grounds for cancellation of a registration.

- (i) service users;
 - (ii) persons who appear to the registered provider to be representatives of service users;
and
 - (iii) the local authority with whom the provider is contracted to provide the social work service;
- (e) where the registered provider has not given notice of an application for cancellation to—
- (i) each service user;
 - (ii) in respect of each service user, a person who appears to the registered provider to be a representative of that service user; and
 - (iii) the local authority,

a statement as to whether there were any circumstances which prevented the registered provider from giving, or made it impracticable for that person to give, notice of an application for cancellation to any of those persons or bodies before the date on which the registered provider applied for cancellation;

- (f) where the registered provider has applied for cancellation less than three months before the proposed effective date, a report as to whether the corporate body has ceased, or is likely to cease within the next following twelve months, to be financially viable.
- (5) The registered provider or manager must provide HMCI with any other information or any documents that it may reasonably require in relation to the application for cancellation.