

Change of relevant individual

Name of care service

Local office:

This guidance explains what must happen when there are changes within a provider organisation after it has registered.

If the identity of the relevant individuals within the company, partnership or association changes, the provider, that is the company, partnership, or association must notify the Care Inspectorate under the Public Services Reform (Scotland) Act 2010. This applies to anyone who acts as a director, manager, secretary to the organisation, partner, board member or committee member (except where the applicant is a local authority). We refer to these people as relevant individuals.

If there is a change of relevant individual as described above, we will ask the newly appointed relevant individual to complete the declarations and provide the information requested in this form. Once we receive the information, we may ask for a PVG Scheme check and for references in order to check the ongoing fitness of the provider. The Care Inspectorate will decide if a fitness check on newly appointed relevant individuals is needed. For example relevant individuals who are:

- directly involved in delivering care or the recruitment of staff
- the chairperson of a Board or Committee
- secretary to the organisation
- treasurer/finance director for the organisation.

When deciding which relevant individuals to check we take account of the information given in the completed declarations. We may decide that individuals who are involved in delivering care services are relevant individuals.

If the company directors or officers change, the registration certificate will not need to change (if the company name, registered office address and company number remain the same). If the partners in a partnership change (where the partnership is to continue otherwise unaltered) the registration certificate should be updated to show the names of the new partners. The names of those who are no longer partners should be removed. Sometimes changes in a partnership will result in a partnership coming to an end and a new partnership being formed. If there is any doubt about whether the partnership is continuing (that is, whether the provider remains the same legal entity) you should get legal advice.

For more information or advice on how to ascertain whether the provider's identity has changed, please seek legal advice.

1. Care services that members of the organisation have previously provided

This declaration must be signed by every person who is, or acts as:

- a director, manager or secretary of the body corporate (where the applicant is a body corporate other than a local authority);
- a partner in the firm (where the applicant is a partnership);
- a member of the firm (where the applicant is a limited liability partnership);
- a member of the firm (where the applicant is a limited partnership); or
- concerned in the management or control of the association (where the applicant is an incorporated or unincorporated association other than a firm).

Title: Mr Mrs Ms Other:

Full name:

Role in organisation:

Date of birth:

Address:

Postcode:

Telephone:

Fax:

Email:

Have you at any time: (tick all that apply)

- a) Provided a care service or a limited registration service as defined in the Public Services Reform (Scotland) Act 2010 s59 or s83?
- b) Provided a care service or a limited registration service as defined in the Regulation of Care (Scotland) Act s2(1) and s8?
- c) Carried on a nursing home within the meaning of the Nursing Homes Registration (Scotland) Act 1938 s73
- d) Carried on an agency for the supply of nurses within the meaning of the Nurses (Scotland) Act 1951 s 55
- e) Carried on an establishment within the meaning of the Social Work (Scotland) Act 1968 s 49
- f) Acted as a childminder or provided day care for children within the meaning of Section 71 of the Children Act 1989 s 41
- g) Been granted approval under section 3 of Adoption (Scotland) Act 1978 s 28, or engaged in a similar activity under similar legislation in force in England, Wales or Northern Ireland

If your answer to any of the above is yes, please give details of service, location and dates of involvement:

Has the registration of any care service provided by you been cancelled?

Yes No

If yes, please give the reason for the cancellation:

Print name:

Signed:

Date:

2. Removals and disqualifications

Have you ever been removed from the following:

- a) Removed under section 34 of the Charter and Trustess Investment (Scotland) Act 2005 (Powers of the Court or Session) from being concerned in the management or control of any body or the equivalent outwith the UK.

Yes No

- b) Removed from the office of Charity Trustee or trustee for a charity by an order made by the Charity Commission for England and Wales or High Court on the grounds of any misconduct or mismanagement in the administration of the charity for which the person was responsible or to which the person was privy, or which the person by that persons conduct contributed to or facilitated or the equivalent outwith the UK.

Yes No

- c) Have you been subjected to a disqualification order under the Company Directors Disqualification Act 1986, the Companies (Northern Ireland) Order 1986 or to an order made under section 429 (2) (b) of the Insolvencies Act 1986 (failure to pay under county court administration order).

Yes No

Undertaking not to act as a medical practitioner in the service

To be completed where the proposed service is a care home service.

This declaration must be signed by every person who is, or acts as:

- a director, manager or secretary of the body corporate (where the applicant is a body corporate other than a local authority);
- a partner in the firm (where the applicant is a partnership);
- a member of the firm (where the applicant is a limited liability partnership);
- a member of the firm (where the applicant is a limited partnership); or
- concerned in the management or control of the association (where the applicant is an incorporated or unincorporated association other than a firm).

(Make photocopies as necessary and attach to this form.)

A person who has a financial interest in a care home service must not act as a medical practitioner for any user of that service.

Is the proposed service a care home service?

Yes No

If yes, do you have a financial interest in the proposed care home service?

Yes No

If yes, are you a medical practitioner?

Yes No

If yes, please complete the following:

I hereby declare that I will not act as a medical practitioner for any user of the proposed care service.

Print name:

Signed:

Date:

7. References

Please give us the names of two people for each person who is, or acts as:

- a director, manager or secretary of the body corporate (where the applicant is a body corporate other than a local authority);
- a partner in the firm (where the applicant is a firm);
- a member of the firm (where the applicant is a limited liability partnership);
- a member of the firm (where the applicant is a limited partnership); or
- concerned in the management or control of the association (where the applicant is an incorporated or unincorporated association other than a firm);
- who can give a reference about their integrity and good character.

Depending on your role in the organisation we may follow these up.

Referees must not be relatives.

Where a relevant individual has been employed by one employer for longer than three months in the last five years, one of their references must be from them.

Name of the person these referees are for:		
	Reference 1	Reference 2
Name		
Address		
Telephone		
How long have you known the referee?		
How (in what capacity) do you know the referee?		
Occupation of referee:		

Fitness check of relevant individuals

This declaration must be signed by every person who is, or acts as:

- a director, manager or secretary of the body corporate (where the applicant is a body corporate other than a local authority);
- a partner in the firm (where the applicant is a partnership);
- a member of the firm (where the applicant is a limited liability partnership);
- a member of the firm (where the applicant is a limited partnership); or
- concerned in the management or control of the association (where the applicant is an incorporated or unincorporated association other than a firm).

The Act and associated Regulations and orders state that a person shall not provide or manage a care service, unless the person is fit to do so.

When we consider applications made by applicants who are not individuals, we must consider whether the officers and individuals concerned in the management and control of the applicant organisation are of integrity and good character.

'Relevant individuals' are persons who act as:

- a director, manager or secretary of the body corporate (where the applicant is a body corporate other than a local authority);
- a partner in the firm (where the applicant is a partnership);
- a member of the firm (where the applicant is a limited liability partnership);
- a member of the firm (where the applicant is a limited partnership); or
- concerned in the management or control of the association (where the applicant is an unincorporated association other than a firm).

If the organisation has fewer than four relevant individuals, then all relevant individuals must complete a check through the PVG Scheme / Disclosure Scotland.

If the organisation has four or more relevant individuals, the Care Inspectorate will carry out checks on the following relevant individuals:

- those concerned in the provision of the care service;
- those concerned in the appointment of staff to the care service; or
- where there are fewer than three relevant individuals who are concerned in the provision of care or appointment of staff, up to a minimum of three.

The Care Inspectorate will carry out checks through the PVG scheme / Disclosure Scotland on these three relevant individuals on behalf of the applicant. Relevant individuals must make themselves available at their nearest Care Inspectorate office to undergo the check if requested.

It is an offence to give false information as part of an application to register a care service. Failure to provide true and accurate information may result in refusal of the application to register a proposed care service with the Care Inspectorate.

The Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Order 2003 requires that individuals applying for PVG Scheme Record background checks must declare all convictions whether 'spent' or not. Any failure to disclose convictions may result in refusal of the application to register the proposed care service with the Care Inspectorate. Any information provided will be confidential. The disclosure of conviction(s) in relation to a relevant individual does not necessarily exclude an applicant from consideration and the nature of the offence(s) will be taken into account.

Tick all that apply.

I have no convictions recorded against me:

I have the following prosecutions ongoing or pending:

Court:

Offence:

I have the following convictions recorded against me:

Court	Offence	Sentence	Date

I am aware that the Care Inspectorate will carry out background checks including a check through the PVG Scheme/Disclosure Scotland in relation to those intending to operate a care service. I understand that the above information may be provided to Disclosure Scotland.

Are you already a member of the PVG Scheme?

Yes

No

Print name:

Signature:

Date:

Please note that providers must give written notice to the Care Inspectorate as soon as it is practicable to do so if there is any change in the ownership of a corporate body or the identity of its officers; or where there is any change in the identity of partners in a firm. The Care Inspectorate may request that further checks through the PVG Scheme be carried out in relation to relevant individuals at those times.

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Tha am foillseachadh seo ri fhaighinn ann an cruthannan is cànanan eile ma nithear iarrtas.

অনুরোধসাপেক্ষে এই প্রকাশনাটি অন্য ফরম্যাট এবং অন্যান্য ভাষায় পাওয়া যায়।

یہ اشاعت گزارش پر دیگر شکلوں اور دیگر زبانوں میں دستیاب ہے۔

ਬੇਨਤੀ 'ਤੇ ਇਹ ਪ੍ਰਕਾਸ਼ਨ ਹੋਰ ਰੂਪਾਂ ਅਤੇ ਹੋਰਨਾਂ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਉਪਲਬਧ ਹੈ।

هذا المنشور متوافر عند الطلب بتنسيقات وبلغات أخرى.

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