

Registration under the Health and Social Care Act 2008

Registration requirements for GP practices collaborating to provide a greater range of services (federations)

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Introduction

Registration

Under the Health and Social Care Act 2008, all 'service providers' who carry on regulated activities must register with the Care Quality Commission (CQC). A service provider can be an individual, a partnership or an organisation:

- **Individuals** are providers who have personal responsibility for regulated activities. They can include an individual who is a sole trader and is self-employed.
- **Partnerships** are formal groups of individuals who carry on a regulated activity together, with joint and several liability. They can include ordinary partnerships, limited partnerships and joint venture partnerships.
- **Organisations** include incorporated bodies such as limited companies, limited liability partnerships (LLPs), charities, franchises, NHS trusts and local authorities.

Providers must register with us if they carry on one of the 14 regulated activities, which are explained in our [guidance on the scope of registration](#).

This guidance

We are now increasingly seeing groups of registered GP practices and primary care teams who are collaborating. These groups, sometimes known as 'federations' can be either a formal or informal association of practices that work together to provide a greater range of services or to share knowledge.

This guidance will help groups of registered providers who wish to form a federation to understand their duties and responsibilities about the registration requirements. We have summarised the issues that federations should consider and provided case studies to illustrate different registration scenarios.

Do federations need to be registered?

Federations can be formed in a number of ways, so this will depend on how they are arranged. Remember:

1. It is always the **provider** of the **regulated activity** that must be registered. For example, the provider of care or treatment. When services are provided jointly, or at a shared location, not all of the parties involved may provide regulated activity. Whatever the arrangement, the provider of any regulated activity should always be identified and they must register with CQC.
2. Only **legal entities** can register. People who come together informally, without any kind of legal constitution, are unlikely to have formed a legal entity.

Do all parties involved in a federation need to register separately?

Most providers will already be registered. However, where the federation establishes a legal entity to provide the regulated activity, then only that legal entity will need to be registered in respect to that activity.

Where the federation is an informal arrangement, which has not established a legal entity to carry on the regulated activity, then each of the parties providing regulated activity will need to be registered separately with CQC through the normal registration process.

What about the locations?

Once the provider of the regulated activity has been identified, it will need to consider the places where the regulated activities are to be provided, or from which they will be managed (we call these places 'locations').

Every registered provider has a condition attached to its registration that restricts it to providing regulated activity at or from certain locations.

Whether the location is the place at or from which it provides regulated activity depends mainly on the type of service provided. In the case of primary care medical services, it also depends whether regulated activity is provided to a single list of patients. Information about our locations scheme can be found in our guidance [What is a location?](#)

What kind of application is needed?

This will depend on how the federation has been arranged:

1. Federations that **HAVE** formed a legal entity to provide regulated activity:

If regulated activities are going to be provided by a new, identifiable legal entity, then that new legal entity will need to register. The new legal entity must include in the application form the regulated activities it will be providing and the place(s) at which it intends to provide regulated activity as a location.

2. Federations that **HAVE NOT** formed a legal entity to provide regulated activity:

If all of the participating parties in the federation provide regulated activities, then each of those parties who are not already registered will need to apply for registration.

Parties who are already registered **may** only need to apply for a variation to add a new location to their conditions of registration. They will not need to do so if they are only going to be providing regulated activity to patients from their own patient list (because the new location will be considered a satellite of their own location). If they are going to provide regulated activity to the patients of other participating parties at a new location, then they will need to add this as a location.

3. Federations that **HAVE NOT** formed a legal entity to provide regulated activity:

If all of the participating parties in the federation provide regulated activities, then any of those parties who are not already registered will need to apply for registration.

If they are only going to be providing regulated activity to patients from their own patient list, then they will normally only need one location (any other places where they see their patients will be regarded as 'satellites' or 'branches' of their location).

However, if they provide regulated activity to patients from the lists of any of the other participants then, because of the way that locations are defined, they may need to add all of those places as locations.

To avoid this, federations that have chosen not to form a legal entity could arrange themselves in one of two ways:

Option A – ('patient led option') The participant providers enter into a written agreement between themselves, through which whenever a doctor sees a patient, they work under the direction and control of the provider of the practice from whose list the patient comes. Under this arrangement, the patient's regular practice provider is ALWAYS responsible for the regulated activity provided – no matter which doctor sees them or in which premises they are seen. In this case, none of the federation participants would need to add any locations, because each provider would only ever be responsible for the regulated activity delivered to their own patients. The participants would use each other's locations as satellites or branches of their own location – they'd simply list them in their statements of purpose.

Option B: ('premises led option') The participating providers enter into a written agreement detailing that it is always the provider of the practice in whose premises the patients are seen, who is responsible for the regulated activity delivered there.

When a healthcare professional works in the premises of another participating practice, they are always working for the host provider, following their policies and procedures, regardless of whose list the patient comes from.

Providing that the federation only delivered regulated activities in the premises of its participants, then as with Option A, none of the federation participants would need to add any locations.

In both cases (Option A and B), the federation would need to document the agreement carefully to ensure that the identity of the provider (of the regulated activity) was always clear. CQC would need to be satisfied that the provider could be held to account.

Case study 1

An informal association of seven GP practices covering a population of around 50,000 shares a range of ideas and skills through educational events.

Does the association provide regulated activity? No. Sharing a range of ideas and skills through educational events is not a regulated activity.

Case study 2

A group of 16 practices sets up a central business unit to provide support for human resources, information technology, finance, contracts and performance, and patient involvement.

Will the central business unit provide regulated activity? Probably not. The provision of 'human resources, information technology, finance, contracts and performance, and patient involvement' does not, in itself, constitute regulated activity.

Is there a legal entity? Possibly. Who is responsible for the central business unit? Who manages it and employs the staff? If a company does this, or there is a separate legal partnership, then it may be a legal entity, but often these kinds of shared business arrangements do not involve the formation of a new legal entity.

Case study 3

A group of registered providers delivers extended hours GP services jointly to a population of over 15,000 at a central location.

Who is providing the regulated activity? The regulated activity provided at the location is delivered by the participating providers. They are most likely to be registered for these regulated activities, so will not need to make a new application for registration.

However, they **may** each need to apply for a variation to add the location to the conditions of their own registration. Whether or not they need to do so will depend, for example, on whether they only provide the activity to their own patients from their existing location, or whether they also provide it to other patients on behalf of different providers in the cluster.

Is the 'cluster' a legal entity? No. Several separate legal entities delivering services together, would not, in itself, constitute the formation of a new legal entity.

Case study 4

A number of registered providers, some of whom are partnerships, have come together to host four walk-in centres, three urgent care centres and ultrasound facilities to provide care to over 100,000 patients.

Who is providing the regulated activity? Where the activity is carried on by the GPs, the GP practices will need to register for this activity.

If the GPs already provide this activity to their own patients from their existing location, they **may** only need to apply for a variation to add the new location to the conditions of their own registration. Whether or not they need to do so will depend, for example, on whether they only provide the activity to their own patients from their existing location, or whether they also provide it to other patients on behalf of different providers in the cluster.

Which legal entity is providing the regulated activity? Several separate legal entities are delivering services together. There may be a central business unit in place, but often these kinds of shared business arrangements do not need to form a new legal entity.

Case study 5

A group of registered providers form a legal entity with the aim of bidding for, and holding, contracts. The legal entity will provide the regulated activity directly.

Will it provide regulated activity? Yes and it will therefore need to register.

Case study 6

A group of registered providers forms a legal entity with the aim of bidding for and holding, contracts. The group plans to sub-contract the regulated activity to another provider(s) and does not plan to provide the care directly themselves.

Will it provide regulated activity? No. If the legal entity is not undertaking any regulated activities, and is delivering care through other providers, then these sub-contractors will need to be registered. If the entity is providing regulated activities then it will need to be registered.

Case study 7a

A federation of fifty GP practices decides not to establish a legal entity. Each of the participants will see patients from each other's lists. In order to avoid the need to vary their conditions of registration by adding each other's locations, they enter into a written agreement between themselves, through which the practice whom the patient is registered with, is ALWAYS responsible for the regulated activity provided – no matter which doctor sees them or in which premises they are seen.

Is the federation a legal entity providing regulated activity? No. The regulated activity will be provided by the participating providers who are already registered for the activities to be provided.

Do the participant providers need to vary their conditions to add locations? No, because the places in which their patients are seen will be satellites of their main location.

Case study 7b

A federation of thirty GP practices wishes to begin providing services before it has established itself as a legal entity. Each of the participating parties will see patients from each other's lists. In order to avoid the need to vary their conditions of registration by adding each other's locations, they enter into a written agreement between themselves, through which the provider of the practice in whose premises the patients are seen, takes responsibility for the regulated activity delivered there – regardless of whose practice list the patient is on

Is the federation a legal entity providing regulated activity? Not yet. Until they have established a legal entity, the regulated activity will be provided by the participating providers who are already registered for the activities to be provided.

Do they need to vary their conditions to add locations? No, because they will each only provide regulated activity at their own, existing, location.

Summary

Whether you are considering forming a group of providers to deliver regulated activities or another way of organising a service, the general principle is to identify who will be the provider of the regulated activity.

In many cases, when a group of registered providers establishes a federation that is not providing regulated activity, they will probably not need to apply for a new registration.

However, if you are forming or joining a federation, you should review your responsibilities to ensure that you meet your registration requirements in accordance with the legislation. If you need to vary your conditions, or apply for a new regulated activity, you should follow the normal procedures.

Even if you think that you don't need to change your registration, we still recommend that you tell us, for information only, of changes in the contracting structure.

Glossary

Federation: The RCGP describes federations as groups of practices collaborating to provide a greater range of services.

Location: A location is a place in which, or from which, regulated activities are provided or managed. Once you are registered you may only provide services from the locations specified in the conditions of your registration. You can find out more about our locations scheme in our guidance [What is a location?](#)

Registered provider: We use this to mean the legal entity responsible for carrying on the health or adult social care services that we regulate.

Regulated activity: These are the health and adult social care services that we regulate, which you carry on. See our [Quick reference guide to regulated activities by type of service](#) to help you understand how regulated activities and services types could map to each other.

Statement of Purpose: A statement of purpose for a business describes what you do, where you do it and who you do it for.