

**Response issued under the Freedom of Information Act 2000**

**Our Reference: CQC IAT 1819 865**

**Date of Response: 21 February 2019**

**Information Requested:**

***re FSHC states :***

***As part of the shake-up, Ben Taberner, Claire Royston and Tim Hammond – Four Seasons’ finance chief, medical director and chief executive respectively – have been removed from the board but remain in place to carry out day-to-day duties.***

- 1. Is Claire Royston still named/registered as the responsible person with the CQC for dozens of FSHC care homes?***
- 2. Please advise what the CQC registered responsible person is actually responsible and accountable for?”***

The Information Access team has now coordinated a response to your request.

CQC has considered your request in accordance with the Freedom of Information Act 2000 (FOIA).

Our main obligation under the legislation is to confirm whether we do or do not hold the requested information.

In accordance with section 1(1) of FOIA we are able to confirm that CQC does hold recorded information in relation to this matter.

- 1 Is Claire Royston still named/registered as the responsible person with the CQC for dozens of FSHC care homes?***

CQC can state that Dr Claire Royston remains as the Nominated Individual for All Four Seasons and Four Season Brighter kind locations. This can be confirmed on the CQC website by going to the individual providers entry for example: - The Lawns Residential Care Home

[www.cqc.org.uk/location/1-126222132](http://www.cqc.org.uk/location/1-126222132)

***2 Please advise what the CQC registered responsible person is actually responsible and accountable for?"***

There is a distinction between a registered person or manager and a nominated individual.

**Registered Person**

Any person (individual, partnership or organisation) who provides regulated activity in England must be registered with CQC otherwise they commit an offence.

A registered manager is the person appointed by the provider to manage the regulated activity on their behalf, where the provider is not going to be in day-to-day charge of the regulated activities themselves. In most cases, a provider will need to have one or more registered managers.

As a registered person, the registered manager has legal responsibilities in relation to that position. A registered manager shares the legal responsibility for meeting the requirements of the relevant regulations and enactments with the provider.

A registered person can be held to account for breaches of prosecutable fundamental standards, or for failing to comply with conditions of registration.

**Nominated Individual**

If you are applying for registration as an organisation, the regulations require you to nominate an individual to act as the main point of contact with us.

The nominated individual must be employed as a director, manager or secretary of the organisation (i.e. they should be a senior person, with authority to speak on behalf of the organisation). They must also be in a position which carries responsibility for supervising the management of the carrying on of the regulated activity (i.e. they must be in a position to speak, authoritatively, on behalf of the organisation, about the way that the regulated activity is provided).

They are not registered.

They are not accountable as individuals but any failures on their part may lead to sanctions against the organisation which they act on behalf of.

Details of Registered persons and nominated Individuals can be viewed on this [link](#).

<https://www.cqc.org.uk/guidance-providers/registration/what-registration#accordion-7>

In addition, a fuller explanation of Enforcement policy can be found: -

[https://www.cqc.org.uk/sites/default/files/20150209\\_enforcement\\_policy\\_v1-1.pdf](https://www.cqc.org.uk/sites/default/files/20150209_enforcement_policy_v1-1.pdf)

## **The Freedom of Information Act 2000**

**The purpose of FOIA is to ensure transparency and accountability in the public sector. It seeks to achieve this by providing anyone, anywhere in the world, with the right to access recorded information held by, or on behalf of, a public authority.**

**Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.**

**Public authorities spend money collected from taxpayers, and make decisions that can significantly affect many people's lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed and more productive.**

**The main principle behind FOIA is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.**

**A disclosure under FOIA is described as “applicant blind” meaning that it is a disclosure into the public domain, not to any one individual.**

**This means that everyone has a right to access official information. Disclosure should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by FOIA.**

**An applicant does not need to give a reason for wanting the information. On the contrary, the public authority must justify refusing the information.**

**Public authorities are required to treat all requests equally, except under some limited circumstances. The information someone can access under FOIA should not be affected by who they are, whether they are journalists, local residents, public authority employees, or foreign researchers.]**

### **Advice and assistance**

Under section 16 of the Freedom of Information Act 2000 (and in accordance with the section 45 code of practice) we have a duty to provide you with reasonable advice and assistance.

If you need any independent advice about individual's rights under information legislation you can contact the Information Commissioner's Office (ICO).

The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

The contact details for the ICO are detailed below.

There is useful information on the ICO website explaining the rights of individuals:

[www.ico.org.uk/your-data-matters](http://www.ico.org.uk/your-data-matters)

### **CQC Complaints and Internal Review procedure**

If you are not satisfied with our handling of your request, then you may request an internal review.

Please clearly indicate that you wish for a review to be conducted and state the reason(s) for requesting the review.

Please be aware that the review process will focus upon our handling of your request and whether CQC have complied with the requirements of the Freedom of Information Act 2000. The internal review process should not be used to raise concerns about the provision of care or the internal processes of other CQC functions.

If you are unhappy with other aspects of the CQC's actions, or of the actions of registered providers, please see our website for information on how to raise a concern or complaint:

[www.cqc.org.uk/contact-us](http://www.cqc.org.uk/contact-us)

To request a review please contact:

Information Access  
Care Quality Commission  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA

E-mail: [information.access@cqc.org.uk](mailto:information.access@cqc.org.uk)

Further rights of appeal exist to the Information Commissioner's Office under section 50 of the Freedom of Information Act 2000 once the internal appeals process has been exhausted.

The contact details are:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone Helpline: 01625 545 745  
Website: [www.ico.org.uk](http://www.ico.org.uk)