

CQC obligations on the retirement or admission of a GP Partner

5th May 2015

You might have thought there were already enough hoops to jump through when dealing with the admission or retirement of a partner – but the CQC Regulations added yet another! However, we have seen in recent months a number of clients whose plans have had to be re-scheduled, often at the 11th hour, as a result of their failure to deal with CQC within the appropriate time frame. The following guide should help to see you through the process.

The procedure to follow to ensure your Partnership CQC Registration is up to date and compliant will depend upon whether your partnership was registered with the CQC pre or post 04 February 2013.

Pre 04 February 2013

If there have been no changes in the constitution of your partnership since 04 February 2013, your partnership CQC registration will not have a “Partnership Condition” attached to it (see below). This makes the registration of a change more complicated as it is not possible to achieve this simply by applying for the variation of the Partnership Condition. Instead you will have to follow the “Pre-Partnership Condition” approach.

Retirement or admission of a Partner

You will need to:

- Cancel your existing registration
- Apply to register the ‘new’ partnership, using the new ‘Partnership Condition’ application process
- Arrange for all partners of the “new” partnership to have an up to date DBS check (which can take between 4 to 6 weeks to obtain).

Once completed, your new partnership registration will have “acquired” the “Partnership Condition”, enabling the future retirement or admission of partners to be based upon the procedure set out below.

However, you should appreciate that in the case of an incoming partner, the completion of that process will result in the automatic inclusion of that partner within your “registered” partnership. On this basis it is essential that all negotiations relating to the admission of that partner should have been concluded *before* the application is submitted, and ideally evidenced in writing, with the Commencement Date expressed to coincide with the receipt of notification of the successful completion of the registration process.

Post 04 February 2013

A different procedure applies if your Partnership CQC registration has a “Partnership Condition”, as should be the case for all CQC partnership registrations which have taken place after 04 February

2013.

Retirement of a Partner

You will need to:

- Notify the CQC of the retirement of the partner under Regulation 15(d) of the Registration Regulations
- Submit a formal application to vary the “Partnership Condition” for the removal of the partner
- “Self-assess” the impact of the retirement of the partner as part of the application process.

The CQC will:

- Process and approve your formal application save in “highly unusual and exceptional circumstances”
- Following approval, issue a new Notice of Decision and Certificate of Registration

Following notification of approval by the CQC:

- The retired partner must leave the partnership within 28 days of notification, or within a reasonable timeframe agreed with the CQC
- (If partner has not left within the appropriate timeframe) the partnership must notify the CQC, who will restore such partner onto the partnership registration
- This would necessitate the submission of a further new application to the CQC to remove that partner.

Admission of a Partner

You will need to:

- Notify the CQC of the admission of the partner under Regulation 15(d) of the Registration Regulations
- Submit a formal application to vary the “Partnership Condition” to add the new partner
- Arrange for (only) the new partner to have an up to date DBS check (which can take between 4 to 6 weeks to obtain).

The CQC will:

- Assess the application – to include an assessment of the “fitness” of the new partner, which may include interviewing the new partner; (the approval process by CQC can take up to 8 weeks)
- Following approval, issue a new Notice of Decision and Certificate of Registration.

Following notification of approval by the CQC:

- The new partner must join the partnership within 28 days of notification, or within a reasonable timeframe agreed with the CQC
- (If the new partner has not joined within the appropriate timeframe) the partnership must notify the CQC, who will take appropriate steps to remove such partner from the “Partnership Condition”
- This would necessitate the submission of a further new application to the CQC to introduce the new partner into the registered partnership at a later date.

Conclusion

The CQC obligations and requirements have added a further level of scrutiny and “form-filling” for GP practices, which you will undoubtedly view as being frustrating and perhaps even time wasting! However, it should be clearly understood that compliance is not an option as ultimately, the failure to complete a registration within the time frames stipulated above amounts to a criminal offence,


which may result in prosecution and the payment of a hefty fine.

On this basis, in circumstances where it is known a partner is planning to retire or the practice is considering admitting a new partner, it is imperative to plan ahead. It is no longer permissible simply to “crack on” with internal plans on the basis you hope to rectify external matters later (a dangerous policy at the best of times!) as to do so would place the entire practice in breach of its CQC registration...

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