

Regulation 14: Notice of absence

Care Quality Commission (Registration) Regulations 2009: Regulation 14

The intention of this regulation is that CQC can be assured that the service will continue to be properly managed if the person in charge of their service is absent.

To meet the requirements of this regulation, the provider must inform CQC about any planned or unplanned absences from the service that are for a continuous period of 28 days or more, how the service will be run while they are away and when they return from a significant absence.

Providers must use forms provided by CQC to make notifications under this regulation. Further information about how to make any required notification to CQC can be found [here](#).

CQC can prosecute for a breach of this regulation or a breach of part of the regulation. This means that CQC can move directly to prosecution without first serving a warning notice. Additionally, CQC may also take any other regulatory action. See the [offences section](#) for more detail.

CQC must refuse registration if providers cannot satisfy us that they can and will continue to comply with this regulation.

The regulation in full

14.—

1. Subject to paragraphs (7) and (8), where—
 - a. the service provider, if the provider is the person in day to day charge of the carrying on of the regulated activity; or
 - b. the registered manager,
proposes to be absent from carrying on or managing the regulated activity for a continuous period of 28 days or more, the registered person must give notice in writing to the Commission of the proposed absence.
2. Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than 28 days before the proposed absence commences or within such shorter period as may be agreed with the Commission and must contain the following information in relation to the proposed absence—
 - a. its length or expected length;
 - b. the reason for it;
 - c. the arrangements which have been made for the management of the carrying on of the regulated activity during the period of absence;
 - d. the name, address and qualifications of the person who will be responsible for the management of the carrying on of the regulated activity during that absence;
 - e. in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the carrying on of the regulated activity during that absence, including the proposed date by which the appointment is to be made.

3. Where the absence referred to in paragraph (1) arises as the result of an emergency, the registered person must give notice of the absence to the Commission within 5 working days of its occurrence specifying the matters set out in paragraph (2)(a) to (e).

4. Where—

- a. the service provider, if the provider is the person in day to day charge of the carrying on of the regulated activity; or
- b. the registered manager

has been absent for a continuous period of 28 days or more, and the Commission has not been given notice of the absence, the registered person shall forthwith give notice in writing to the Commission specifying the matters set out in paragraph (2)(a) to (e).

5. The registered person must notify the Commission of the return to duty of the service provider or (as the case may be) the registered manager not later than 7 working days after the date of that return.

6. In this regulation "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales within the meaning of the Banking and Financial Dealings Act 1971.

7. Subject to paragraph (8), this regulation does not apply where the service provider is a health service body.

8. Where the service provider is a health service body and is subject to a registered manager condition pursuant to regulation 5 or section 12(3) or (5) of the Act, this regulation shall have effect in relation any absence, proposed absence or return to duty of that registered manager.