

# Notices of Proposal, Notices of Decision and urgent cancellation orders

This guidance explains how you can make written representations about Notices of Proposal served by CQC, and how we receive, process and respond to these representations.

It also tells you how you can appeal to the First-tier Tribunal (Health, Education and Social Care Chamber) against a notice of decision or a Magistrates Court Order.

The guidance is for:

- a registered person (a registered provider or registered manager)
- people who are applying for registration as a registered person.

The guidance covers:

- written representations against Notices of Proposal
- appeals to the Tribunal against Notices of Decision and urgent cancellation orders

## Notices of proposal

CQC will serve a Notice of Proposal on a registered person or a person applying to register (an applicant) to enable us to:

- impose or vary conditions on a registered person's registration
- suspend a registered person's registration
- cancel a registered person's registration
- refuse an application for registration
- refuse an application by a registered person.

If we have served a Notice of Proposal on you, you have the right to make written representations about any matter you wish to dispute.

Written representations are your opportunity to explain your challenge against our Notice of Proposal.

We will consider your written representations and any supporting evidence. We will tell you that we have either:

- decided not to adopt the Notice of Proposal and will withdraw it
- decided to adopt the Notice of Proposal and will serve a Notice of Decision

You do not have to challenge a Notice of Proposal. If you choose not to, we will issue a Notice of Decision.

## Notices of Decision served under urgent procedures

We serve these notices under section 31 of the Health and Social Care Act 2008. The notices tell registered persons that we have decided to either:

- suspend your registration
- extend the suspension of your registration, or
- vary, remove or impose a condition of registration under the Act's urgent procedures with immediate effect.

We do not serve Notices of Proposal under urgent procedures so there is no process to make a written representation for them. You may appeal decisions served under urgent procedures to the First-tier Tribunal.

## Urgent cancellation orders

CQC can apply to a magistrate for an order to immediately cancel a registration. We do this under section 30 of the Health and Social Care Act 2008. We can apply for these orders if not cancelling the registration would pose a serious, immediate risk to a person's life, health or wellbeing.

We do not serve Notices of Proposal before applying for an urgent cancellation order so there is no written representation process for urgent procedures. You may appeal to the First-tier Tribunal against the magistrate's order.