How we use our enforcement powers

What we can enforce

Firstly, providers of any regulated activity in England must be registered with CQC. We can take enforcement action against anyone who provides regulated activities without registration (section 5 of this policy).

Secondly, we can take enforcement action against registered persons (meaning registered providers, and/or registered managers) who breach either:

- conditions of their registration

- relevant sections of:

    ○ the Health and Social Care Act 2008

    ○ the Care Quality Commission (Registration) Regulations 2009

    ○ the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

    ○ other legislation that is relevant to achieving registration requirements.

Where breaches of regulation do not constitute a criminal offence, we can enforce the standards by using our civil powers to:

- impose, vary or remove conditions

- suspend a registration

- cancel a registration.

Failure to comply with the steps required when we use certain civil powers is a criminal offence and may result in a prosecution.

We list the regulations and the action we will take for [breaches of the regulations, including those that constitute criminal offences](#).

As well as our statutory powers, we also work with other oversight organisations to ensure they can act on concerns that we have identified. We do this where it is more proportionate, or likely to be more effective than if we act on our own.

How we select the appropriate enforcement power

We use a 4-stage decision-making process to reach enforcement decisions. This is described in our [enforcement decision tree guidance](#).

Enforcement priorities

As part of developing our annual business plan, we review enforcement activity that we have taken and consider whether the plan should reflect particular priorities. Our Board sets these priorities when it agrees the business plan. Enforcement priorities do not override the terms of this policy but are considered.