

ENGLAND AND WALES / JUDGMENT

# Centric Care Solutions Ltd v Care Quality Commission

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First-tier Tribunal Care Standards The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008 2025-01539. EA NCN: [2026] UKFTT 00101 (HESC) Before: Tribunal Judge O'Neill Specialist Member Cochran Specialist Member Knapp Centric Care Solutions Ltd -v- Care Quality Commission Appellant Respondent DECISION – AMENDED UNDER RULE 44 1. THE APPEAL 1.1 1.2 Centric Care Solutions Ltd (“the Appellant”) has brought separate appeals against the Care Quality Commission’s (“the Respondent’s”) two decisions dated 25 June 2025 to cancel the Appellant’s registration as a provider of the regulated activities of “personal care” and “treatment of disease, disorder or injury”. By the order of Judge Khan dated 27 August 2025, the two appeals were consolidated, and it was directed that they would be heard together under appeal number 2025-01539. EA. 2. THE HEARING ON 15 JANUARY 2026 2.1 The hearing on 15 January 2026 was conducted remotely. 2.2 Mr Maxwell Muchenje appeared for the Appellant. 2.3 The Respondent was represented by Mrs Mary-Teresa Deigan Deignan (of Counsel). Also in attendance was Mrs Winifred Carthy Carty, Mrs Deigan’s Deignan’s instructing solicitor. The Respondent’s witness was:

- (a) Mrs Catherine Perrins, Operations Manager for the Respondent. 2.4 Mr Samuel Tempest, Paralegal at the Respondent attended as an observer. 3. THE ADJOURNMENT OF THE HEARING ON 15 JANUARY 2026 3.1 3.2 At the start of the hearing and before any oral evidence had been given, Mr Muchenje disclosed, in response to a direct question from the Panel, that he had joined the hearing from the Ivory Coast in Africa. The Panel reminded itself of the Presidential Guidance Note No.1 of 2024: Taking Oral Evidence From Abroad (“the Presidential Guidance”) and we directed as follows: (a) It is improper for a Nation State to exercise the powers of its courts within the territory of another State without having the permission of that State.
- (b) Certain States have given permission for the use, in Tribunal proceedings, of live video or audio evidence taken from within their jurisdiction. If a country has expressly refused permission, then oral evidence from that country cannot be taken. In all other cases the person wishing to rely on the oral evidence from abroad should apply for permission from the Tribunal, following the procedure set out in the Presidential Guidance. This issue was not considered by the parties prior to the hearing; no application had been made and there was insufficient time in the hearing to determine whether The Ivory Coast had given permission.

(c) This left the Tribunal with three options: (i) Option One: The Tribunal could adjourn the hearing to a date when Mr Muchenje was back in England. (ii) Option Two: The Tribunal could treat the hearing on 15 January 2026 as a case management hearing and adjourn the hearing and, if both parties agree, determine the appeal without a hearing under Rule 27 of The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (“the HESC Rules”). The Tribunal would do this based on the written evidence in the bundle and the skeleton arguments already provided by both parties. (iii) Option Three: Given both parties had attended the hearing expecting to make further submissions, the Tribunal could still determine the appeal on the papers (as per option two) but allow the parties time to file written submissions. 3.3 We allowed the parties a brief adjournment to consider the options. Both parties invited the Tribunal to adopt Option Two. We therefore adjourned the hearing and directed that the Panel would decide the appeal without a hearing under Rule 23 of the HESC Rules. 3.4 The Panel reconvened on 15 January 2025 to decide the appeal without a hearing. This decision notes sets out the Panel’s decision. 4. BACKGROUND AND KEY CHRONOLOGY 4.1 There is little, if any, dispute as to the facts in this case. 4.2 The Appellant was first registered with the Respondent on 28 March 2022 to provide the following regulated activities:

- (a) Personal care, and
- (b) Treatment of disease, disorder or injury (“together the Regulated Activities”). 4.3 4.4 4.5 On 20 March 2024 the Respondent e-mailed the Appellant to confirm whether the regulated activity of personal care had been delivered at the Appellant’s Bedfordshire Office (“the Location”) since 4 May 2023. A copy of that e-mail is in the bundle at page 81. On 26 March 2024, Dorcas Sakala replied on behalf of the Appellant. They confirmed that the service was still “dormant” albeit they were “actively seeking clients”. They stated: “We will inform you when we start to deliver regulated activities”. On 4 February 2025, the Respondent wrote to the Appellant and requested that the Appellant confirm whether the Regulated Activities were being delivered at the Location (page 87). The Respondent requested a response by 18 February 2025. The Appellant did respond but not until 2 May 2025. A copy of Mr Muchenje’s e-mail is at page 90 of the bundle. Mr Muchenje stated: “I write to confirm that our service remains dormant, and we have not provided the regulated activity in the period under review. We are actively seeking clients in an extremely competitive environment that is not favourable to new micro-organisation providers like ourselves; where the NHs and Local authorities are commissioning minimal care packages and have suspended the majority of tenders due to financial constraints”. 4.6 4.7 The Respondent issued two Notices of Proposal to cancel the Appellant’s registrations on 16 May 2025 (page 73). The Respondent issued its two Notices of Decision on 25 June 2025 (“the Notices of Decision”). 5.

## LEGAL FRAMEWORK

The Legislative Provisions 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 The Respondent was established on 1 April 2009 by the Health and Social Care Act 2008 (“the 2008 Act”). The Respondent is the independent regulator of healthcare, adult social care and primary care services in England. The 2008 Act requires all providers of regulated activities in England to register with the Respondent, and to comply with the requirements and fundamental standards set out in regulations made under the 2008 Act. The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (“the 2014 Regulations”) set out the scope of these regulated activities in Schedule 1 as read with Regulation 2 (interpretation). Section 3 of the 2008 Act sets out the Respondent’s main objective which is “to protect and promote the health, safety and welfare of people who used health and social care services”. Under section 17(1)(e) of the 2008 Act, the Respondent is entitled to cancel the registration of a service provider in respect of a regulated activity “on any ground specified by regulations”. Regulation 6(1)(c) of the Care Quality Commission (Registration) Regulations 2009 (“the 2009 Regulations”) permits the Respondent to cancel a service provider’s registration if the service provider has not carried on the regulated activity it is registered to provide for a continuous period of 12 months. Section 32 of the 2008 Act provides a right of appeal against a decision issued under section 17 of the 2008 Act. Under section 32(5) of the 2008 Act the Tribunal: “may confirm the decision or direct that it is to cease to have effect”. 5.9 Under section 32(6) of the 2008 Act the Tribunal also has power: (a) (b) (c) “to vary any discretionary condition for the time being in force in respect of the regulated activity to which the appeal relates, to direct that any such discretionary condition is to cease to have effect, to direct that any such discretionary condition as the First-tier Tribunal thinks fit shall have effect in respect of the regulated activity, or (d) to vary the period of any suspension”. The Burden and Standard of Proof 5.10 We remind ourselves that in an appeal concerning a decision issued under section 17 of the 2008 Act, the Tribunal is not reviewing the decision of the Respondent. The Tribunal stands in the shoes of the Respondent and considers the appeal de novo as at the date of the hearing. The Tribunal is required to consider all the evidence available to it at the date of the hearing. The Tribunal is not restricted to a consideration of the matters available as at the date of the Respondent’s decision. 5.11 We further remind ourselves that: (a) (b) the burden of proof is on the Respondent to establish that the relevant test in section 17 of the 2008 Act and Regulation 6(1)(c) of the 2009 Regulations has been met; the standard of proof required is the civil standard, the balance of probabilities. 6.

## ANALYSIS

The Issues 6.1 The issues that the Tribunal must consider are:

- (a) Whether the grounds for cancellation are made out i.e. whether the Appellant has not, for a continuous period of 12 months ending with the date of the decision to cancel registration, been carrying on the Regulated Activities (“Issue One”); and (b) If so, whether the cancellation of the Appellant’s registration is proportionate in all the circumstances of the case (“Issue Two”). 6.2 The Appellant’s appeal was put on six grounds. For ease of reference,

we adopt the sub-headings used by the Appellant in its notice of appeal: (a) Legal and practical interpretation of “Carrying On” a Regulated Activity (“Ground One”).

- (b) Application to TDDI and confirmation submitted (“Ground Two”).
- (c) Misapplication of Regulation 6(1)(c) – “Dormancy” (“Ground Three”).
- (d) CQC’s Inconsistent application of evidentiary standards (“Ground Four”).
- (e) CQC’s assertion that they have not been able to inspect our services due to the company’s Dormant status (“Ground Five”).
- (f) Disproportionality and unfairness of decision (“Ground Six”).

6.3 Grounds One, Two and Three go to Issue One i.e. they relate to whether the grounds for cancellation are made out. Ground Four is not relevant to either Issue One or Two. Grounds Five and Six go to Issue Two. We consider each of the Grounds in detail below. Issue One: Are the grounds for cancellation made out? Grounds One, Two and Three

6.4 Grounds One, Two and Three make essentially the same point, and we have therefore taken them together. The Parties’ Positions

6.5 6.6 6.7 6.8 As set out above, it was not in dispute that the Appellant has not provided any personal care or treatment of disease, disorder or injury (i.e. the Regulated Activities) since at least 4 May 2023. It was therefore the Respondent’s case that the Appellant had not been carrying on the Regulated Activities for a continuous period of 12 months prior to the date of the Notice of Decision and had not up to the date of the hearing. The Respondent was therefore entitled to cancel the Appellant’s registration under Regulation 6(1)(c) of the 2009 Regulations. The Appellant submits that the Respondent’s position is legally flawed because the Respondent considered only “the physical delivery of personal care services” as constituting “carrying on” within the meaning of Regulation 6(1)(c) of the 2009 Regulations. The Appellant further submits that the Tribunal should interpret the meaning of Regulation 6(1)(c) of the 2009 Regulations “purposively, not mechanistically” and when done in this way this includes “Activities preparatory to, or integral with, delivery (care planning, recruitment, staff training, service-user assessments) are part of “carrying on” personal care”. The Appellant points to the fact that it has engaged with at least two service users and prepared for their personal care. Copies of these service users’ care plans are in the bundle at page 101. Our Decision

6.9 We decided that the Appellant had not been, for a continuous period of 12 months ending with the date of the Panel’s decision on 15 January 2026, carrying on the Regulated Activities. Accordingly, the grounds for cancellation are made out. Our reasons are:

  - (a) We are not aware of, and neither party directed our attention to, any authoritative case law on the meaning of “carrying on” in Regulation 6(1)(c) of the 2009 Regulations.
  - (b) Mr Muchenje had referred to the case of *St George’s Healthcare NHS Trust v CQC* [2015] UKFTT 0309 in his skeleton argument. We were not provided with a copy of the judgment, and we were unable to locate a copy. We did not therefore consider this decision. In any event, the case citation suggests that this decision was a decision of the First Tier Tribunal

which would not be binding on us. (c) In the absence of authoritative case law, the starting point when interpreting a statute or statutory instrument is to give the words their ordinary and natural meaning in context. The Respondent submits that the plain and ordinary meaning of “carrying on” requires the actual carrying on of the Regulated Activity. We agree and accept those submissions. In our judgment, when given its ordinary and natural meaning, carrying on means to continue to do something; to continue doing something, one must actually be doing it.

- (d) Further, this is consistent with the definition of the Regulated Activities in the 2014 Regulations: (i) (ii) Personal Care is defined by paragraph 1 of Schedule 1 of the 2014 Regulations as: “...the provision of personal care for persons who, by reason of old age, illness or disability are unable to provide it for themselves, and which is provided in a place where those persons are living at the time the care is provided...” (my emphasis added). Treatment of disease, disorder or injury is defined by paragraph 4 of Schedule 1 of the 2014 Regulations as: “...the provision of treatment for a disease, disorder or injury by or under the supervision of (a) a health care professional, or a team which includes a health care professional, or (b) a social worker, or a team which includes a social worker, where the treatment is for a mental disorder...” (my emphasis added).
- (e) The definition of both Regulated Activities requires “the provision of” that activity. The definitions do not include preparatory activities. Therefore, to carry on doing the Regulated Activity, a service provider must be actually doing it in the first place. Carrying on does not mean to prepare to do something; that is something different.
- (f) We accept that the Tribunal should also interpret the legislation in light of its purpose. This is known as the purposive approach to interpretation. The purposive approach requires the Tribunal to consider the context of the legislation, identify the purpose of a statute and to interpret its language, so far as possible, to give effect to that purpose. Mr Muchenje does not expand on this argument in his skeleton argument but in our judgment, it produces no different result to the above. The 2009 Regulations are made under the 2008 Act. The purpose of the Chapter 2 of Part 1 of the 2008 Act is aligned with the Respondent’s main objective as set out in Section 3 of the 2008 Act, which is “to protect and promote the health, safety and welfare of people who use health and social care services”.
- (g) The Respondent submits that where a service provider has become dormant, they represent a potential risk to service users. That is because the Respondent cannot be assured that the service provider has kept up to date with best practice, that its policies and documents are up to date, that their staff remain sufficiently trained and ready to provide any regulated activity safely. We accept those submissions. fff f
- (h) The purpose of the legislative provisions therefore is to provide the Respondent with a mechanism to identify any service provider that is dormant (i.e. those that are not carrying on regulated activities) and therefore a potential risk and manage that risk (i.e. by cancelling their registration). (i) The Respondent submits that the two care plans that were submitted

by the Appellant were evidence only of an intention to carry on the Regulated Activities, but they were not evidence of the actual carrying on. We accept those submissions. The position is put beyond doubt by the letter dated 22 August 2025 at page 135. That letter shows that there was an intention for services to start in the future (i.e. after the conclusion of these proceedings) but services were not currently commenced or ongoing. 6.10 For these reasons we were persuaded that the Appellant had not been carrying on the Regulated Activities for a continuous period of 12 months prior to the date of the Notice of Decision and had not up to the date of the Panel's decision on 15 January 2026. Accordingly, under Regulation 6(1)(c) of the 2009 Regulations the ground for cancellation of the registration of the Appellant in respect of the Regulated Activities are made out. But that is not the end of the analysis. We must also be persuaded that we should cancel the Appellant's registration, which requires us to give consideration to issue of proportionately. We consider that further below. Ground Four The Parties' Positions 6.11 It is the Appellant's case that the Respondent ignored the two care plans that the Appellant had provided or considered them insufficient. The Appellant submits that this "sets an arbitrary evidential threshold" which "breached principles of fairness". 6.12 The Respondent submits that it acted at all times within the regulatory framework. Our Decision 6.13 As set out above, in making this decision we are not reviewing the decision of the Respondent. The Tribunal stands in the shoes of the Respondent and considers the appeal de novo (i.e. we consider the matter afresh) as at the date of the hearing. Accordingly, whether or not the Respondent applied inconsistent evidentiary standards when making its decision is irrelevant. Ground Four is therefore without merit and dismissed. 6.14 As is explained at paragraph 6.9(i) above, we have considered the two care plans in making this decision. Issue Two: Is the cancellation of the Appellant's registration proportionate in all the circumstances of the case? Ground Five and Six 6.15 Grounds Five and Six both go to the issue of proportionality, and we have therefore taken them together in this decision. The Parties' Positions 6.16 The Appellant submits that the cancellation is the "most extreme sanction" and failed to consider alternatives such as warning notices or conditions. 6.17 The Respondent's position is that its decisions were and remain reasonable, justified and proportionate. Our Decision 6.18 We remind ourselves that we are not reviewing the Respondent's decision but considering the matter afresh. The question of proportionality is therefore to be considered as at the date of this decision. We decided that it was reasonable and proportionate to cancel the Appellant's registration. Our reasons were:

- (a) Firstly, whilst Mr Muchenje submits that the Respondent failed to consider the imposition of conditions. It is correct that if we were persuaded to direct that the Notices of Decision were to cease to have effect, then we could also direct (under section 32(6)(c)) any discretionary condition as the Tribunal thinks fit in respect of the Regulated Activities. Mr Muchenje does not explain in his skeleton argument what conditions he says should have been considered and we can think of none that would be appropriate. Conditions are generally only effective where regulated activities are being provided. They are not in this case and so we are not persuaded that conditions would be appropriate.

- (b) Secondly, It is not correct that the Respondent provided no warning to the Appellant. In its letter dated 4 February 2025, the Respondent made express reference the Respondent's powers in Regulation 6(1)
- (c) of the 2009 Regulations. Further, at paragraph 31 of her witness statement, Mrs Perrins explains very clearly that if the Appellant was to start providing the Regulated Activities to the two service users they had provided care plans for then, "it is likely the appeal would no longer be necessary". The Respondent has therefore been open and transparent with the Appellant throughout. (c) It is not in dispute that the Respondent did not inspect the Appellant between its registration and the Notices of Decision. It is the Appellant's case that the Respondent should have undertaken an inspection rather than proceeding straight to cancellation. It is the Respondent's case that it was unable to undertake an inspection because of the Appellant's dormant status. Mrs Perrins explains why in her evidence at paragraph 34. In short, she says that the Respondent was unable to undertake an inspection because there was nothing to inspect. Mrs Perrins states: "there is nothing that could be compared to CQC's assessment framework, and no effective or useful rating could be given". We accept that evidence. It is axiomatic that where a service provider is not providing services and in the case of the Appellant had not since May 2023, there is nothing that the Respondent could usefully inspect.
- (d) The Appellant further submits that the Respondent is "not up to date with the required statutory inspections" and "the poor standard of care in the country is due to CQC's failure to carry of the required inspections on active organizations and not due to the none activity of Dormant organizations". These submissions were made entirely without evidence, are irrelevant and are dismissed.
- (e) Finally, as is explained in Mrs Perrins' statement (paragraph 37), it has not been alleged that the Appellant has breached the relevant regulations or provided care in an unsafe way. Accordingly, if the Appellant re-applied to be registered in future, its cancellation for dormancy would not be held against them. We accepted that evidence. In light of this, any prejudice that the Appellant may suffer because of the cancellation (e.g. the financial impact of reapplying) is far outweighed (for the reasons explained by Mr Perrins at paragraphs 34 to 36 of her statement) by the potential risk to service users by allowing the Appellant to remain registered when dormant. 6.19 Given the above analysis, we are persuaded that there is no lesser action should of cancellation that is appropriate. Accordingly, the decision to cancel the Appellant's registration is proportionate. 7. DECISION 7.1 For the above reasons, we are satisfied that the grounds for cancellation of the Appellant's registration to provide the Regulated Activities are made out and it is proportionate to cancel. 7.2 The Appellant's appeal against the Notices of Decision dated 25 June 2025 is dismissed. 7.3 The Notices of Decision are confirmed. Judge O'Neill Date Issued: 21 January 2026 Date Amended Issued: 23 January 2026 11

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