

Primary Authority changes: Action needed by primary authorities

Primary Authority is expanding from 1 October 2017 to enable more businesses to participate. All primary authorities, businesses and co-ordinators will need to take action to ensure their partnerships continue from 1 October 2017. This guide explains what you need to do.

Regulatory Delivery is committed to supporting primary authorities with this task and will be contacting all primary authorities, to make transition as simple as possible.

What must I do?

You need to familiarise yourself with the changes to Primary Authority (the [draft Primary Authority Statutory Guidance](#) contains the relevant information). Then, contact your partner businesses and / or co-ordinators to discuss the changes with them. You will need to take the action outlined below by 14th September to ensure that your partnerships continue from 1 October 2017, as all existing partnerships will end on 30 September 2017.

For co-ordinated partnerships

1. Satisfy yourself that you both you, and your co-ordinator partner, are able to meet the new statutory requirements.
2. Discuss and agree a Summary of Co-ordinated Partnership Arrangements with the co-ordinator. A template is available, which is similar to the MoU that was previously required.
3. The new Primary Authority Register will send you an email with log in instructions so that you can transition your partnership.
4. To transition your partnership, you will need to:
 - a. Accept the new Primary Authority [Terms and Conditions](#) (note that the limitation of liability provision has been moved to the Summary of Partnership Arrangements template).
 - b. Confirm your suitability to act as a primary authority and the suitability of your co-ordinator partner to meet its new statutory responsibilities.
 - c. Confirm that a [Summary of Co-ordinated Partnership Arrangements](#) has been agreed with your co-ordinator partner.
 - d. Review the partnership information, including the Primary Authority Advice that is currently on the Primary Authority Register.

Once you have completed the steps above, the co-ordinator will receive an email inviting them to log in and confirm they wish the partnership to proceed. A separate 'Primary Authority Changes' information sheet is available for co-ordinators.

For direct partnerships

1. Satisfy yourself that you are able to meet the new statutory requirements.
2. Discuss and agree a Summary of Partnership Arrangements with the business. A new template is available for the purpose of recording the agreed arrangements. Note you do not need to do this if you have already agreed a document with your partner business that sets out how your partnership will operate, however you may wish to consider the new template to ensure all pertinent matters have been covered.
3. The new Primary Authority Register will send you an email with log in instructions so that you can transition your partnership.
4. To transition your partnership, you will need to:
 - a. Accept the new Primary Authority Terms and Conditions (note that the limitation of liability provision has been moved to the Summary of Partnership Arrangements template).
 - b. Confirm your suitability to act as a primary authority.
 - c. Confirm that a [Summary of Partnership Arrangements](#) has been agreed with your partner business.
 - d. Review the partnership information, including the Primary Authority Advice that is currently on the Primary Authority register.

Once you have completed the steps above, the business will receive an email inviting them to log in and confirm they wish the partnership to transition. A separate 'Primary Authority Changes' information sheet is available for businesses.

Summary of key changes relevant to existing partnerships

Primary Authority categories will no longer exist, so primary authorities will be able to provide Primary Authority services to businesses for all the regulatory functions within their remit that are not already covered by another primary authority. The Primary Authority Statutory Guidance, which will be published on 1st October, will provide information on how this will work for businesses with more than one primary authority. A draft of this Guidance is available [here](#).

Primary authorities will need to publish the regulatory questions, topics or issues in relation to which Primary Authority Advice has been issued in the secure area of the Primary Authority Register to aid transparency for enforcing authorities.

Primary Authority Advice to Local Authorities will need to be submitted to the Secretary of State for consent in order to be effective. This includes existing Primary Authority Advice to Local Authorities, if it is to continue from 1 October 2017.

Summary of additional changes relevant to co-ordinated partnerships

From 1 October 2017, the partnership will be between the primary authority and the co-ordinator, rather than with each co-ordinated business, as is the current situation. The primary authority will need to be confident that their partner co-ordinators will be able to meet their responsibilities to:

- Maintain an accurate and up to date list of members of their regulated group (businesses) on an ongoing basis.
- Ensure that members of the regulated group (businesses) are aware that they have a co-ordinated primary authority and what it means.
- Communicate Primary Authority Advice and inspection plans to relevant members of the regulated group (businesses).