STATUTORY RULES OF NORTHERN IRELAND

2007 No. 236

HEALTH AND PERSONAL SOCIAL SERVICES

The Residential Family Centres Regulations (Northern Ireland) 2007

Made - - - -	*4th April 2007*
Coming into operation	*30th April 2007*

The Department of Health, Social Services and Public Safety makes the following Regulations, in exercise of the powers conferred on it by Articles 2(2), 23(1), 23(2)(a) to (d),and (f) to (j), 23(5)(a) to (c), 23(7)(a) to (h) and (j), 25(1), 30, 31(1), 32 and 48 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**1**).

In accordance with Article 23 (8) of that Order it has consulted with representatives whom it considers to be likely to be affected by the Regulations.

PART I

GENERAL

Citation, commencement and extent

1. These Regulations may be cited as the Residential Family Centres Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

Interpretation

2.—(1) In these Regulations—

"child protection enquiry" means any enquiries carried out by an HSS trust in the exercise of any of its functions conferred by or under the Children Order relating to the protection of children;

"family" means a child and his parent accommodated or to be accommodated together in a residential family centre;

"general medical practitioner" means a medical practitioner providing primary medical services;

(**1**) S.I.2003/431 (N.I. 9)

"health care professional" has the same meaning as in Article 15C of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**);

"the Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

"organisation" means a body corporate or any unincorporated association other than a partnership;

"personal care" has the same meaning as in Article 10 (3) of the Order;

"placement plan" means the written plan prepared in accordance with regulation 15;

"placing authority" means, in relation to a family, the HSS trust or other body that has arranged for the family to be accommodated in a residential family centre;

"relative" in relation to any person, means—

(a) the person's spouse or civil partner;

(b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse or civil partner;

(c) the spouse or civil partner of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person's step-child shall be treated as his child, and references to "spouse" in relation to any person include a former spouse and a person who is living with the person as husband or wife and references to "civil partner" include a former civil partner and a person who is living with the person as if they were civil partners;

"representative" means in relation to a resident, a person other than the registered person or a person employed by the residential family centre, who with the registered person's express or implied consent takes an interest in the resident's care and welfare;

"registered manager", in relation to a residential family centre, means a person who is registered under Part III of the Order as the manager of the residential family centre;

"registered person", in relation to a residential family centre, means any person who is the registered provider or the registered manager of the residential family centre;

"registered provider", in relation to a residential family centre, means a person who is registered under Part III of the Order as the person carrying on the residential family centre;

"resident" means a person for whom accommodation with board and personal care is provided for the purposes of the residential family centre;

"responsible individual" shall be construed in accordance with regulation 7 (2)(c)(i); and

"social care worker" has the same meaning as in section 2(2) of the Health and Personal Social Services Act (Northern Ireland) 2001(**3**);

"statement of purpose" means the written statement compiled in accordance with regulation 3(1).

(2) In these Regulations, save where otherwise provided, references to a child do not include a parent accommodated in a residential family centre who is under the age of 18.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment and whether under a contract of service or a contract for services and allowing a person to work as a volunteer.

(**2**) S.I. 1972/1265 (N.I. 14) Article 15C was inserted by Article 6(3) of the Primary Medical Services (Northern Ireland) Order 2004 (S.I. 2004/311 (N.I. 2))
(**3**) S.I. 2001 c. 3 (N.I.)

Statement of purpose

3.—(1) The registered person shall compile in relation to the residential family centre a written statement which shall consist of—

(a) a statement of the aims and objectives of the residential family centre;

(b) a statement as to the facilities and services which are to be provided by the registered person for residents; and

(c) a statement as to the matters listed in Schedule 1.

(2) The registered person shall provide a copy of the statement of purpose to the Regulation and Improvement Authority and shall make a copy of it available for inspection by every resident and any representative of a resident.

(3) Nothing in regulation 16(1) or 25(1) shall require or authorise the registered person to contravene or fail to comply with—

(a) any other provision of these Regulations; or

(b) the conditions for the time being in force in relation to the registration of the registered person under Part III of the Order.

Resident's guide

4.—(1) The registered person shall produce a written guide to the residential family centre which shall include—

(a) a summary of the statement of purpose including the philosophy of care;

(b) the terms and conditions in respect of accommodation to be provided for residents, including as to the amount and method of payment of fees;

(c) a standard form of contract for the provision of services and facilities by the registered provider to residents;

(d) a summary of the complaints procedure established under regulation 23;

(e) the address and telephone number of the Regulation and Improvement Authority.

(2) The registered person shall also provide, on request, access to a copy of the most recent inspection report and information on how to access earlier inspection reports.

(3) The registered person shall supply a copy of the resident's guide to the Regulation and Improvement Authority and each resident or their representative.

(4) Where a HSS trust has made arrangements for the provision of accommodation with board and personal care to the resident at the centre, the registered person shall supply to the resident a copy of the agreement specifying the arrangements made.

Information about fees

5.—(1) The registered person shall provide each resident with a statement specifying—

(a) the fees payable by or in respect of the resident for the provision to the resident of any of the following services—

(i) residential accommodation with board; and

(ii) personal care;

and, except where a single fee is payable for those services, the services to which each fee relates;

(b) the method of payment of the fees and the person by whom the fees are payable.

(2) The registered person shall notify the resident at least 28 days in advance of—

(a) any increase in the fees referred to in paragraph (1)(a) and payable by or in respect of the resident;

(b) any variation in the matters referred to in paragraph (1)(b).

(3) Where a HSS trust has made arrangements for the provision of residential accommodation with board and personal care at the residential family centre and the charge made exceeds the fee paid, the registered person shall in the individual written agreement—

(a) record the reason for the additional charge;

(b) by whom it will be paid; and

(c) list the services, if any, provided for it.

Review of statement of purpose and resident's guide

6. The registered person shall—

(a) keep under review and, where appropriate, revise the statement of purpose and the resident's guide; and

(b) notify the Regulation and Improvement Authority and residents of any such revision within 28 days.

PART II

REGISTERED PERSONS

Fitness of registered provider

7.—(1) A person shall not carry on a residential family centre unless he is fit to do so.

(2) A person is not fit to carry on a residential family centre unless the person—

(a) is an individual who carries on the residential family centre—

(i) otherwise than in partnership with others, and satisfies the requirements set out in paragraph (3);

(ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);

(b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);

(c) is an organisation and—

(i) the organisation has given notice to the Regulation and Improvement Authority of the name, address and position in the organisation of an individual who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the residential family centre; and

(ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that—

(a) he is of integrity and good character;

(b) he is physically and mentally fit to carry on the residential family centre; and

(c) full and satisfactory information is available in relation to him in respect of the matters specified in Schedule 2.

(4) A person shall not carry on a residential family centre if—

(a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or

(b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

Appointment of registered manager

8.—(1) The registered provider shall appoint an individual to manage a residential family centre if—

(a) there is no registered manager in respect of the residential family centre; and

(b) the registered provider—

(i) is an organisation or a partnership;

(ii) is not a fit person to manage a residential family centre; or

(iii) is not, or does not intend to be, managing the residential family centre himself.

(2) Where the registered provider appoints a person to manage the residential family centre, he shall forthwith give notice to the Regulation and Improvement Authority of—

(a) the name of the person so appointed; and

(b) the date on which the appointment is to take effect.

Fitness of registered manager

9.—(1) A person shall not manage a residential family centre unless he is fit to do so.

(2) A person is not fit to manage a residential family centre unless—

(a) he is of integrity and good character;

(b) having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents—

(i) he has the qualifications, skills and experience necessary to manage the centre; and

(ii) he is physically and mentally fit to manage the centre;

(c) full and satisfactory information is available in relation to him in respect of the matters specified in Schedule 2.

Registered person — general requirements

10.—(1) The registered provider and the registered manager shall, having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents, carry on or manage the centre (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is—

(a) an individual, he shall undertake;

(b) an organisation, it shall ensure that the responsible individual undertakes;

(c) a partnership, it shall ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the residential family centre.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the residential family centre.