STATUTORY RULES OF NORTHERN IRELAND

2007 No. 221

HEALTH AND PERSONAL SOCIAL SERVICES

The Adult Placement Agencies Regulations (Northern Ireland) 2007

Made - - - -	*29th March 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 upon it by Articles 2 (2), 23(1), (2) (a), to (c) and (f) to (j), (7)(a) to (h) and (j), 25(1), 30, 31(1), 32 and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**1**).

In accordance with Article 23 (8) it has consulted with such persons as appropriate.

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Adult Placement Agencies Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

Interpretation

2. In these Regulations—

"the 1997 Act" means the Police Act 1997(**2**);

"adult placement agency" means a voluntary organisation or undertaking carried on by an HSS Trust or Board or other person, the activities of which consist of or include:

(a) arranging for placing a person in need, with an adult placement carer for the provision of care and support (which may include accommodation);

(b) recruiting and training adult placement carers;

(c) supporting and monitoring placements,

(**1**) S.I.2003/431(N.I. 9)
(**2**) 1997 c. 50

but does not include arrangements made by a person solely for the provision of care and support for his relative;

"adult placement carer" means a person who enters into an agreement with an adult placement agency to provide care or support for persons in need, which may include accommodation in the carers home;

"agency" means an adult placement agency carried on by a registered provider;

"agency premises" means premises where the management of the agency is carried on;

"approval panel" means the panel appointed by an adult placement agency for the purpose of approving applications to the agency from prospective carers;

"Board" means a Health and Social Services Board;

"carer agreement" shall be construed in accordance with regulation 16;

"complaints procedure" shall be construed in accordance with regulation 22;

"home", where a person has more than one home, means the home where the person ordinarily resides;

"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;

"placement" means an arrangement whereby an adult is provided with care or support by an adult placement carer;

"placement agreement" shall be construed in accordance with regulation 12;

"placing authority" means a Health and Social Services Trust or Health and Social Services Board or other person with responsibility for commissioning personal social services for service users;

"registered manager" means a person who is registered under Part III of the Order as the manager of the agency;

"registered person" means any person who is the registered provider or the registered manager in respect of the agency;

"registered provider" means a person who is registered under Part III of the Order as the person carrying on the agency, and references to carrying on an agency shall be construed accordingly;

"relative", in relation to a service user means—

(a) the service user's spouse or civil partner;

(b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the service user, or of 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 service user's step child shall be treated as his child, and references to "spouse" include a former spouse and a person who is living with the service user as husband or wife and references to "civil partner" include a former civil partner and a person who is living with the service user as if they were civil partners;

"representative" means, in relation to a service user, a person, other than the registered person or a person employed by the agency, who with the service user's express or implied consent, takes an interest in the service user's health and welfare;

"responsible individual" has the meaning given to it in regulation 7(2)(c)(i) of these Regulations;

"service user" in relation to an agency, means an adult who may be or is placed by the agency;

"service user's plan" means the plan prepared in accordance with regulation 19;

"social worker" shall be construed in accordance with section 2 of the Health and Personal Social Services Act (Northern Ireland) 2001(**3**);

"staff" in relation to an agency, means persons, other than adult placement carers, who work for the purposes of the agency;

"statement of purpose" means the written statement compiled in accordance with regulation 3;

"vulnerable adult" has the same meaning as in the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(**4**);

"work" includes work of any kind, whether paid or unpaid, and whether under a contract or apprenticeship, under a contract for services, or otherwise than under a contract.

Statement of purpose

3.—(1) The registered provider shall compile in relation to the adult placement agency a written statement (in these Regulations referred to as the "statement of purpose") which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered provider shall supply a copy of the statement of purpose to the Regulation and Improvement Authority and shall make a copy of it available for inspection by any service user and any representative.

(3) Nothing in this regulation, or in regulation 27, shall require or authorise the registered provider to contravene, or not 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 provider under Part III of the Order.

Service user's guide

4.—(1) The registered person shall produce a written guide to the agency (in these Regulations referred to as the "service user's guide") which shall include—

(a) a summary of the statement of purpose;

(b) a statement explaining the process whereby arrangements are made for the placing of service users, including how adult placement carers are chosen to provide care or support to service users and how the placement is made;

(c) a statement of the range of care and support provided by the adult placement carers;

(d) a statement of the fee, or range of fees, payable by or in respect of service users for the provision of each type of care and support provided under the agency including a statement of any services for which there may be an extra charge not included within the stated fee or range of fees;

(e) the standard terms and conditions for the provision of the care and support for service users, including the terms governing the termination of the placement and the notice period required to terminate the placement;

(f) a summary of the complaints procedure established in accordance with regulation 22; and

(g) the address and telephone number of the registered provider and of the Regulation and Improvement Authority.

(**3**) 2001 c. 3 (N.I.)
(**4**) 2003 No. 417 (N.I. 4)

(2) The registered provider shall—

(a) make a copy of the service users guide available on request for inspection at the agency premises by every service user and any representative;

(b) supply a copy of the service user's guide to the Regulation and Improvement Authority and each service user or his representative.

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

Review of statement of purpose and service user's guide

5. The registered person shall—

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

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

Agency documents

6. The registered provider shall ensure that there is a statement that he is registered in respect of the agency under Part III of the Order in all correspondence and other documents prepared in connection with the agency's business.

PART II

REGISTERED PERSONS

Fitness of registered provider

7.—(1) A person shall not carry on an agency unless he is fit to do so.

(2) A person is not fit to carry on an agency unless the person—

(a) is an individual who carries on the agency—

(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 agency; 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 agency;

(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 an agency 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 manager

8.—(1) The registered provider shall appoint an individual to manage the agency where—

(a) there is no registered manager in respect of the agency; and

(b) the registered provider—

(i) is an organisation or a partnership; or

(ii) is not a fit person to manage an agency; or

(iii) is not, or does not intend to be, in full-time day to day charge of the agency.

(2) Where the registered provider appoints a person to manage the agency, 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 an agency unless he is fit to do so.

(2) A person is not fit to manage an agency unless—

(a) he is of integrity and good character;

(b) having regard to the size of the agency, its statement of purpose and the number and needs of service users and adult placement carers—

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

(ii) he is physically and mentally fit to do so; and

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

Registered person — general requirements and training

10.—(1) The registered provider and the registered manager shall, having regard to the size of the agency, its statement of purpose and the number and needs of service users and adult placement carers, carry on or manage the agency (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; or

(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 agency.

(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 agency.