1993 No. 92

REGISTERED HOMES

The Nursing Homes Regulations (Northern Ireland) 1993

Made . . . . . *3rd March 1993*

Coming into operation . . *1st April 1993*

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The Department of Health and Social Services in exercise of the powers conferred on it by Articles 16(4), 19(1), 19(3), 19(7), 21(2)(*a*), 28, 29(4), 32(2)(*b*) and 36(2) of the Registered Homes (Northern Ireland) Order 1992(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Nursing Homes Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

(2) In these regulations—

"the Order" means the Registered Homes (Northern Ireland) Order 1992;

"the 1971 Act" means the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**b**);

"adequate" means sufficient and suitable;

"child" means any person under the age of eighteen;

"class 3B laser product" and "class 4 laser product" have the meanings assigned to them in Part I of British Standard 4803:83 (Radiation safety of laser products and systems) as effective on 31st March 1983;

"dentist" means a person registered in the dentists register under the Dentists Act 1984(**c**);

"the Fire Authority" means the Fire Authority for Northern Ireland;

"home" means a nursing home;

"patient" means a patient in a home;

"person registered" means any person registered in respect of the home;

"record" means any record kept or retained in pursuance of regulation 6 including any book, card, form, tape, computerised record, film or notes;

"specially controlled technique" means a technique specified in regulation 2.

Specially controlled techniques

2. Any technique of medicine or surgery (including cosmetic surgery) involving the use of a class 3B laser product or a class 4 laser product (being a technique of medicine or surgery as to which the Department is satisfied that its use may create a hazard for persons treated by means of it or for the staff of any premises where the technique is used) is hereby specified as subject to control for the purposes of the Order.

Registration

3.—(1) An application for registration under Article 19 of the Order shall be made in writing to the Board. The fee to accompany such an application shall be as provided for in Schedule 1.

(**a**) S.I. 1992/3204 (N.I. 20)
(**b**) 1971 c. 32 (N.I.)
(**c**) 1984 c. 24

(2) In making an application, the applicant shall supply the particulars specified in Schedule 2 and such other information in relation to the home, as the Board may reasonably require.

(3) Where the Board so requires, an applicant shall also supply such birth certificate and such other documentary evidence as is specified by the Board as being necessary to substantiate the particulars specified in paragraph 1(*a*) or 2(*a*)(i) of Schedule 2.

Time limit for registration

4.—(1) Where—

(*a*) immediately before 1st April 1993 a person was not required to be registered under Part I of the 1971 Act(**a**) in respect of an establishment; and

(*b*) on that date he is required to be registered under Part III of the Order in respect of that establishment,

he shall within six months of that date apply to the Board for registration under that Part and until that application is determined he shall for the purposes of the Order be deemed to be registered under that Part in respect of that establishment.

(2) A person who immediately before 1st April 1993 was registered under Part I of the 1971 Act in respect of an establishment and who on that date is required to be registered in respect of that establishment under Part III of the Order shall for the purposes of the Order and of these regulations be deemed to be registered under that Part in respect of that establishment.

Annual fees

5. The person in control of the home shall pay an annual fee of an amount determined in accordance with Schedule 3 within the appropriate time specified in that Schedule, and shall do so for each home in respect of which he is registered.

Records

6.—(1) The person registered shall compile the records specified in Schedule 4 and shall keep them in the home and at all times available for inspection by any person authorised in that behalf by the Board or, as the case may be, the Department.

(2) The person registered shall keep in a safe place in the home the case record of each patient compiled in accordance with paragraph 6 or 7 of Schedule 4 and the record compiled in accordance with paragraph 8 of that Schedule.

(3) Any person who is deemed by virtue of regulation 4(2) to be registered under Part III of the Order in respect of a home shall within three months of 1st April 1993 compile the records specified in Schedule 4.

(4) Every record compiled in accordance with this regulation shall be retained for a minimum of three years from the date of the last entry in it.

(**a**) Part I was repealed by Article 38 of, and Schedule 2 to, the Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))

Registers

7. The registers to be kept by Boards for the purposes of Part III of the Order shall be in the form set out in Schedule 5 and shall contain such information as is indicated thereon.

Consultation with Fire Authority

8. The person registered shall, at such times as may be agreed with the Fire Authority, consult that Authority on fire precautions in the home.

Conduct of homes

9.—(1) The person registered shall arrange for the home to be conducted so as to make proper provision for the welfare, care, treatment and supervision of all patients.

(2) In reaching any decision relating to a patient, the person registered shall give first consideration to the need to safeguard and promote the welfare of the patient and shall, so far as practicable, ascertain the wishes and feelings of the patient and give due consideration to them as is reasonable having regard to the patient's age and understanding.

(3) Every home shall be maintained on the basis of good personal and professional relationships between the person registered and the persons employed at the home and the patients.

(4) The person registered shall ensure that corporal punishment is not used as a sanction in relation to any child in the home.

Conduct of homes using specially controlled techniques

10. The person registered shall ensure that any treatment (including diagnosis) by a specially controlled technique in the home is carried out only by a person who is, or who is acting in accordance with the directions of, a medical practitioner or a dentist.

Provision of facilities and services

11.—(1) The person registered shall, having regard to the size of the home and the number, age, sex and condition of patients—

(*a*) employ by day and, where necessary, by night suitably qualified and competent staff in numbers which are adequate for the well-being of the patients;

(*b*) provide for each patient in the home adequate accommodation and space, including, where appropriate, day-room facilities;

(*c*) provide adequate furniture, bedding, curtains, floor covering and, where necessary, equipment and screens in rooms occupied or used by patients;

(*d*) provide and maintain adequate medical, surgical and nursing equipment and adequate treatment facilities;

(*e*) provide for the use of patients an adequate number of water closets and of wash-basins, baths and showers fitted with a hot and cold water supply, and any necessary sluicing facilities;

(*f*) make adequate adaptations and provide adequate facilities for patients who are physically handicapped;

(*g*) provide adequate light, heating and ventilation in all parts of the home occupied or used by patients;

(*h*) keep all parts of the home occupied or used by patients in good structural repair, clean and reasonably decorated;

(*i*) take adequate precautions against the risk of fire, including the provision of adequate means of escape in the event of fire, and make arrangements for detecting, containing and extinguishing fires, for the giving of warnings and for the evacuation of all persons in the home in the event of fire and for the maintenance of fire precautions and fire fighting equipment;

(*j*) make adequate arrangements to secure by means of fire drills and practices that the staff in the home and, so far as practicable, patients know the procedure to be followed in the case of fire including the procedure for saving life;

(*k*) take adequate precautions against the risk of accidents including the training of staff in first aid;

(*l*) provide adequate kitchen equipment, crockery and cutlery together with adequate facilities for the preparation and storage of food and so far as may be reasonable and practicable in the circumstances, adequate facilities for patients to prepare their own food and refreshments;

(*m*) supply adequate quantities of varied and properly prepared wholesome and nutritious food for patients;

(*n*) make, after consultation with the environmental health department of the district council for the district in which the home is situated, adequate arrangements for maintaining satisfactory conditions of hygiene in the home;

(*o*) arrange for regular laundering of linen and clothing;

(*p*) make adequate arrangements for the disposal of swabs, soiled dressings, instruments and similar substances and materials;

(*q*) make arrangements for any person authorised by the Board or, as the case may be, the Department, to interview in private any patient;

(*r*) make adequate arrangements for patients in the home, where necessary, to receive general medical and dental services whether under Part VI of the 1972 Order or otherwise;

(*s*) make adequate arrangements for the recording, safekeeping, handling and disposal of drugs;

(*t*) provide adequate arrangements for the prevention of infection, toxic conditions, or spread of infection at the home;

(*u*) make adequate arrangements for the training, occupation and recreation of patients;

(*v*) provide a place where the valuables of patients may be deposited for safekeeping;