1993 No. 91

REGISTERED HOMES

The Residential Care 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 4(4)(*b*), 6(1), 6(3), 6(5), 6(8), 15, 28, 29(4) 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 Residential Care 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 1972 Order" means the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"adequate" means sufficient and suitable;

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

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

"home" means a residential care home;

"mental handicap" means a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning;

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

"record" means any record kept or retained in pursuance of regulation 5 including any book, card, form, tape, computerised record, film or notes;

"resident" means any person in the home who is in need of personal care by reason of old age and infirmity, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

Registration

2.—(1) An application for registration under Article 6 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.

(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, except that an applicant for registration in respect of a small home need not supply information in regard to the matters mentioned in paragraph 4(*c*), (*l*), (*m*) or (*n*) of that Schedule.

(**a**) S.I. 1992/3204 (N.I. 20)
(**b**) S.I. 1972/1265 (N.I. 14) to which there are amendments not relevant to these regulations

(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

3.—(1) Where—

(*a*) immediately before 1st April 1993 a person was not required to be registered under Article 35 of, and Schedule 5 to, the 1972 Order(**a**) in respect of an establishment; and

(*b*) on that date he is required to be registered under Part II 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 Article 35 of, and Schedule 5 to, the 1972 Order in respect of an establishment and who on that date is required to be registered in respect of that establishment under Part II 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

4. 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

5.—(1) Subject to paragraph (2), 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) A person registered in respect of a small home need not compile the records specified in—

(*a*) paragraphs 6 to 12, 14 and 15 of Schedule 4;

(*b*) paragraph 3 of that Schedule, except to the extent that it relates to any medicines administered to a resident; or

(*c*) paragraph 5 of that Schedule to the extent that it relates to any visits by persons authorised to inspect the home.

(3) The person registered shall keep in a safe place in the home the case record of each resident compiled in accordance with paragraph 3 of Schedule 4.

(**a**) Article 35 and Schedule 5 were repealed by Article 38 of, and Schedule 2 to, the Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))

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

(5) 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.

Registers

6. The registers to be kept by Boards for the purposes of Part II 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

7. The person registered shall, except in respect of a small home, at such times as may be agreed with the Fire Authority, consult that Authority on fire precautions in the home.

Conduct of homes

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

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

Provision of facilities and services

9.—(1) Subject to paragraphs (2) and (3), the person registered shall, having regard to the size of the home and the number, age, sex and condition of residents—

(*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 residents;

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

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

(*d*) provide for the use of residents 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;

(*e*) make adequate adaptations and provide adequate facilities for residents who are physically handicapped;

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

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

(*h*) 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;

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

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

(*k*) 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 residents to prepare their own food and refreshments;

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

(*m*) 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;

(*n*) arrange for regular laundering of linen and clothing and, so far as may be reasonable and practicable in the circumstances, provide adequate facilities for residents to do their own laundering;

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

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

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

(*r*) make adequate arrangements for the training, occupation and recreation of residents;

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

(*t*) provide adequate facilities for residents to receive visitors in private.

(2) Sub-paragraph (*i*) of paragraph (1) shall not apply in respect of a small home.