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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 160**

**The Nursing Homes Regulations (Northern Ireland) 2005**

**PART III**

**CONDUCT OF THE NURSING HOME**

**Requirements to ensure quality of nursing and other service provision**

**12.**—(1) The registered person shall provide treatment, and any other services to patients in accordance with the statement of purpose, and shall ensure that the treatment and other services provided to each patient –

- (a) meet his individual needs;
- (b) reflect current best practice; and
- (c) are (where necessary) provided by means of appropriate aids or equipment.

(2) The registered person shall ensure that all aids and equipment used in or for the purpose of the nursing home is –

- (a) suitable for the purposes for which it is to be used; and
- (b) properly maintained and in good working order.

(3) The registered person shall ensure that –

- (a) where reusable medical devices are used in a nursing home, the registered person shall ensure that appropriate procedures are implemented and adhered to in relation to cleaning, disinfection, inspection, packaging, sterilisation, transportation and storage of such devices;
- (b) the procedures implemented in accordance with sub-paragraph (a) shall be such as to ensure that reusable medical devices are handled safely and decontaminated effectively in accordance with the manufacturer's guidance, prior to re-use.

(4) The registered person shall ensure that food and fluids –

- (a) are provided in adequate quantities and at appropriate intervals;
- (b) are properly prepared, wholesome and nutritious and meets their nutritional requirements;
- (c) are suitable for the needs of patients;
- (d) provide choice for the patients; and
- (e) that the menu is varied at suitable intervals.

**Health and welfare of patients**

**13.**—(1) The registered person shall ensure that the nursing home is conducted so as –

- (a) to promote and make proper provision for the nursing, health and welfare of patients;
- (b) to make proper provision for the nursing and where appropriate, treatment and supervision of patients.

(2) The registered person shall so far as practicable enable patients to make decisions with respect to the nursing they are to receive and their health and welfare.

(3) The registered person shall, for the purpose of providing nursing to patients, and making proper provision for their health and welfare, so far as practicable, ascertain and take into account their wishes and feelings.

(4) Subject to paragraph (5), the registered person shall make suitable arrangements for the ordering, storage, stock control, recording, handling, safe keeping, safe administration and disposal of medicines used in or for the purposes of the nursing home to ensure that –

- (a) any medicine which is kept in a nursing home is stored in a secure place; and
- (b) medicine which is prescribed is administered as prescribed to the patient for whom it is prescribed, and to no other patient; and
- (c) a written record is kept of the administration of any medicine to a patient.

(5) Paragraph (4) does not apply to medicine which –

- (a) is stored by the individual for whom it is provided in such a way that others are prevented from using it; and
- (b) may be safely self-administered by that individual.

(6) In this regulation, “prescribed” means –

- (a) ordered for a patient for provision to him under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(1)</sup>; or
- (b) prescribed for a patient under Section 58 of the Medicines Act 1968<sup>(2)</sup>

(7) The registered person shall make suitable arrangements to minimise the risk of infection and toxic conditions and the spread of infection between patients and staff.

(8) The registered person shall make suitable arrangements to ensure that the nursing home is conducted –

- (a) in a manner which respects the privacy and dignity of patients;
- (b) with due regard to the sex, religious persuasion, ethnic origin, and cultural and linguistic background and any disability of patients.

(9) The registered provider and registered manager (if any) shall, in relation to the conduct of the nursing home –

- (a) maintain good personal and professional relationships with each other and with patients and staff; and
- (b) encourage and assist staff to maintain good personal and professional relationships with patients.

#### **Further requirements as to health and welfare**

**14.**—(1) The registered person shall make arrangements for patients –

- (a) to be registered with a general practitioner of their choice; and
- (b) to receive where necessary, treatment, advice and other services from any health care professional and/or social care worker.

(2) The registered person shall ensure as far as reasonably practicable that –

- (a) all parts of the home to which patients have access are free from hazards to their safety;

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(1) S.I.1972/1265 (N.I. 14)

(2) 1968 c. 67; as amended by paragraph 7 of Part II of Schedule 2 to the Medicines (Specified Articles and Substances) Order 1976 (S.I. 1976/968)

- (b) any activities in which patients participate are free from avoidable risks; and
  - (c) unnecessary risks to the health or safety of patients are identified and so far as possible eliminated; and
  - (d) shall make suitable arrangements for the training of persons employed in first aid.
- (3) The registered person shall make suitable arrangements to provide a safe system for moving and handling patients.
- (4) The registered person shall make arrangements, by training staff or by other measures, to prevent patients being harmed or suffering abuse or being placed at risk of harm or abuse.
- (5) The registered person shall ensure that no patient is subject to restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other patient and there are exceptional circumstances.
- (6) On any occasion on which a patient is subject to restraint, the registered person shall record the circumstances, including the nature of the restraint. These details should also be reported to the Regulation and Improvement Authority as soon as is practicable.

### **Assessment of patients**

- 15.**—(1) The registered person shall not provide accommodation to a patient at the nursing home unless –
- (a) the needs of the patient have been assessed by a suitably qualified or suitably trained person;
  - (b) the registered person has obtained a copy of the assessment;
  - (c) there has been appropriate consultation regarding the assessment with the patient or a representative of the patient as appropriate;
  - (d) the registered person has confirmed in writing to the patient that having regard to the assessment the nursing home is suitable for the purpose of meeting the patient’s needs in respect of his health and welfare;
  - (e) the nursing home has been registered for the category of nursing appropriate to the patients needs.
- (2) The registered person shall ensure that the assessment of the patient’s needs is –
- (a) kept under review; and
  - (b) revised at any time when it is necessary to do so having regard to any change of circumstances and in any case not less than annually.

### **Patient’s plan**

- 16.**—(1) The registered person shall ensure that a written nursing plan is prepared by a nurse in consultation with the patient or patient’s representative as to how the patient’s needs in respect of his health and welfare are to be met.
- (2) The registered person shall ensure that –
- (a) the patient’s plan is available to the patient;
  - (b) the patient’s plan is kept under review;
  - (c) where appropriate and, unless it is impracticable to carry out such consultation, after consultation with the patient or a representative of his, revise the patient’s plan; and
  - (d) notify the patient of any such revision.

### **Review of quality of nursing and other service provision**

17.—(1) The registered person shall introduce and ensure systems are maintained for reviewing at appropriate intervals the quality of nursing and other service provision in or for the purposes of the nursing home and that any such review is undertaken not less than annually.

(2) The registered person shall supply to the Regulation and Improvement Authority a report in respect of any review conducted by him for the purpose of paragraph (1) and make a copy of the report available to patients.

(3) The system referred to in paragraph (1) shall provide for consultation with patients and their representatives.

### **Facilities and services**

18.—(1) Subject to regulation 3(3), the registered person shall provide facilities and services to patients in accordance with the statement of purpose required by regulation 3(1)(b) in respect of the nursing home.

(2) The registered person shall having regard to the size of the nursing home and the number and needs of patients –

- (a) provide, so far as is necessary for the purpose of managing the home, appropriate telephone and other communication facilities;
- (b) provide telephone facilities which are suitable for the needs of patients, and make arrangements to enable patients to use such facilities in private;
- (c) provide in rooms occupied by patients adequate furniture, bedding and other furnishings, including curtains and floor coverings, and equipment suitable to the needs of patients and screens where necessary;
- (d) permit patients, so far as it is practicable to do so, and subject to fire and safety requirements, to bring their own furniture and furnishings into the rooms they occupy;
- (e) arrange for the regular laundering of linen and clothing;
- (f) so far as it is reasonable and practicable to do so, provide adequate facilities for patients to wash, dry and iron their own clothes if they so wish and, for that purpose, to make arrangements for their clothes to be sorted and kept separately;
- (g) so far as it is reasonable and practicable to do so, provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils, and adequate facilities for the preparation and storage of food;
- (h) so far as it is reasonable and practicable to do so, provide adequate facilities for patients to prepare their own food and ensure that such facilities are safe for use by patients;
- (i) after consultation with the environmental health department of the district council for the district in which the nursing home is situated, make suitable arrangements for maintaining satisfactory standards of hygiene in the nursing home;
- (j) keep the nursing home free from offensive odours;
- (k) make suitable arrangements for the disposal of general and clinical waste;
- (l) provide a place where the money and valuables of patients may be deposited for safe keeping, and make arrangements for patients to acknowledge in writing the return to them of any money or valuables so deposited;
- (m) consult patients about their social interests, and make arrangements to enable them to engage in local, social and community activities and to visit, or maintain contact or communicate with, their families and friends;

- (n) where activities are provided by or on behalf of the nursing home, including training, occupation and recreation, there are arrangements to ensure that –
  - (i) activities are planned and provided with regard to the needs of the patients; and
  - (ii) patients are consulted about the planned programme of activities.
- (3) The registered person shall ensure that so far as practicable patients have the opportunity to attend religious services of their choice.

## **Records**

- 19.**—(1) The registered person shall –
- (a) maintain in respect of each patient a record which includes the information, documents and other records specified in Schedule 3 relating to the patient;
  - (b) ensure that the record referred to in sub-paragraph (a) is kept securely in the nursing home.
- (2) The registered person shall maintain in the nursing home the records specified in Schedule 4.
- (3) The registered person shall ensure that the records referred to in paragraphs (1) and (2) –
- (a) are kept up to date; and
  - (b) are at all times available for inspection in the home by any person authorised by the Regulation and Improvement Authority to enter and inspect the nursing home.
- (4) The records referred to in paragraphs (1) and (2) shall be retained for not less than 6 years from the date of the last entry.
- (5) The registered person shall ensure that information about a patient’s health and treatment is handled confidentially and is only disclosed to those persons who need to be aware of that information in order to treat the patient effectively or minimise any risk of the patient harming himself or another person, or for the purpose of the proper administration of the nursing home.

## **Staffing**

- 20.**—(1) The registered person shall, having regard to the size of the nursing home, the statement of purpose and the number and needs of patients –
- (a) ensure that at all times suitably qualified, competent and experienced persons are working at the nursing home in such numbers as are appropriate for the health and welfare of patients;
  - (b) ensure that the employment of any persons on a temporary basis at the nursing home will not prevent patients from receiving such continuity of nursing as is reasonable to meet their needs;
  - (c) ensure that the persons employed by the registered person to work at the nursing home receive –
    - (i) appraisal, mandatory training and other training appropriate to the work they are to perform; and
    - (ii) are supported to maintain their registration with the appropriate regulatory or occupational body; and
    - (iii) are enabled from time to time to obtain training and/or further qualifications appropriate to the work they perform;
    - (iv) are provided with a job description outlining their responsibilities.
- (2) The registered person shall ensure that persons working at the nursing home are appropriately supervised.

(3) The registered person shall ensure that at all times a nurse is working at the nursing home and that the registered manager carries out a competency and a capability assessment with any nurse who is given the responsibility of being in charge of the home for any period of time in his absence.

### **Fitness of workers**

**21.**—(1) The registered person shall not employ a person to work at the nursing home unless –

- (a) the person is fit to work at the nursing home;
- (b) subject to paragraph (5), he has obtained in respect of that person the information and documents specified in paragraphs 1 to 7 of Schedule 2;
- (c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person.

(2) Paragraph 1 applies to a person who is employed by a person (“the employer”) other than the registered person.

(3) Paragraph 1 applies to a position in which a person may in the course of his duties have regular contact with patients at the nursing home.

(4) The registered person shall not allow a person to whom paragraph (2) applies to work at the nursing home in a position to which paragraph (3) applies, unless –

- (a) the person is fit to work at the nursing home;
- (b) the employer has obtained in respect of that person the information and documents specified in –
  - (i) paragraphs 1 to 7 of Schedule 2; and has confirmed in writing to the registered person that he has done so; and
- (c) the employer is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied.

(5) For the purposes of paragraphs (1) and (4), a person is not fit to work at a nursing home unless –

- (a) he is of integrity and good character;
- (b) he has qualifications or training suitable to the work that he is to perform, and the skills and experience necessary for such work;
- (c) he is physically and mentally fit for the purposes of the work he is to perform at the nursing home;
- (d) full and satisfactory information is available in relation to him in respect of the following matters –
  - (i) each of the matters specified in paragraphs 1 to 7 of Schedule 2;

(6) The registered person shall ensure that all health care professionals are covered by appropriate professional indemnity.

### **Restrictions on acting for patients**

**22.**—(1) Subject to paragraph (2), the registered person shall not pay money belonging to any patient into a bank account unless –

- (a) the account is in the name of the patient, to which the money belongs; and
- (b) the account is not used by the registered person in connection with the carrying on or management of the nursing home.

(2) Paragraph (1) does not apply to money which is paid to the registered person in respect of charges payable by a patient for accommodation or other services provided by the registered person at the nursing home.

(3) The registered person shall ensure a record is kept of persons working at the nursing home acting as the appointee or agent of a patient.

### **Staff views as to conduct of the nursing home**

**23.**—(1) This regulation applies to any matter relating to the conduct of the nursing home so far as it may affect the health or welfare of patients.

(2) The registered person shall make arrangements to enable staff to inform the registered person, and the Regulation and Improvement Authority, and the HSS Trust in the area of which the nursing home is situated, in confidence of their views about any matter to which this regulation applies.

### **Complaints**

**24.**—(1) The registered person shall establish a procedure (“the complaints procedure”) for receiving, managing and responding to complaints made to the registered person by a patient or person acting on the patient’s behalf.

(2) The complaints procedure shall be appropriate to the needs of patients.

(3) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(4) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the investigative process, outcome and action (if any) that is to be taken.

(5) The registered person shall supply a written copy of the complaints procedure to every patient and to any person acting on behalf of a patient.

(6) Where a written copy of the complaints procedure is to be supplied in accordance with paragraph (5) to a person who is blind or whose vision is impaired, the registered person shall so far as it is practicable to do so supply, in addition to the written copy, a copy of the complaints procedure in a form which is suitable for that person.

(7) The copy of the complaints procedure to be supplied in accordance with paragraph (5) shall include –

- (a) the name, address and telephone number of the Regulation and Improvement Authority; and
- (b) the procedure (if any) that has been notified by the Regulation and Improvement Authority to the registered person for the making of complaints to the Regulation and Improvement Authority relating to the nursing home.

(8) The registered person shall supply to the Regulation and Improvement Authority at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response.

### **Guidance for nurses and health care professionals**

**25.** The registered person shall ensure that –

- (a) the Nursing and Midwifery Council (NMC) Code of Professional Conduct, Standards for Performance, Conduct and Ethics, and any other code of ethics or professional practice prepared by the NMC or a body which is responsible for regulation of members of a

healthcare profession is made available in the nursing home to nurses and healthcare professionals;

- (b) staff are supported to meet and maintain the standards and requirements of their relevant codes of practice; and
- (c) appropriate action is taken when staff do not meet the expected standards of conduct in line with the relevant codes of practice.

### **Clinical trials and research**

26. The registered person shall ensure that –

- (a) before any research involving patients or information about patients is undertaken in or for the purposes of the nursing home, a research proposal is prepared and approval is obtained from the appropriate Ethics Committee;
- (b) any clinical trial to be conducted in the nursing home has been authorised in accordance with the Medicines for Human Use (Clinical Trials) Regulations 2004(3).