
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 161

**The Residential Care Homes
Regulations (Northern Ireland) 2005**

PART VI

MISCELLANEOUS

Notification of death, illness and other events

30.—(1) The registered person shall give notice to the Regulation and Improvement Authority without delay of the occurrence of –

- (a) the death of any resident, including the circumstances of his death;
- (b) the outbreak in the home of any infectious disease which in the opinion of any medical practitioner attending persons in the home is sufficiently serious to be so notified;
- (c) any serious injury to a resident in the home;
- (d) any event in the home which adversely affects the care, health, welfare or safety of any resident;
- (e) any theft or burglary in the home;
- (f) any accident in the home;
- (g) any allegation of misconduct by the registered person or any person who works at the home.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing within 3 working days of the oral report.

Notice of absence

31.—(1) Where –

- (a) the registered provider, if he is an individual; or
- (b) the registered manager;

proposes to be absent from the home for a continuous period of 28 days or more, the registered person shall give notice in writing to the Regulation and Improvement Authority of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) above shall be given no later than 28 days before the proposed absence commences or within such shorter period as may be agreed with the Regulation and Improvement Authority and the notice shall specify –

- (a) the length or expected length of the absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for the running of the home during that absence;

- (d) the name, address and qualifications of the person who will be responsible for the home during that absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the home during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where –

- (a) the registered provider, if he is an individual; or
- (b) the registered manager;

has been absent from the home for a continuous period of 28 days or more, and the Regulation and Improvement Authority has not been given notice of the absence, the registered person shall without delay give notice in writing to the Regulation and Improvement Authority of the absence, specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the Regulation and Improvement Authority of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

Notice of changes

32.—(1) The registered person shall give notice in writing to the Regulation and Improvement Authority as soon as it is practicable to do so, if any of the following events is proposed to take place –

- (a) a person other than the registered person carries on or manages the residential care home;
- (b) a person ceases to carry on or manage the home;
- (c) where the registered person is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation –
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is to be any change of responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (g) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (h) the premises of the home are significantly altered or extended, or additional premises are acquired.

Notice of termination of accommodation

33.—(1) Subject to paragraph (2), the registered person shall not terminate the arrangements for the accommodation of a resident unless he has given reasonable notice of his intention to do so to –

- (a) the resident;
- (b) the person who appears to be the resident's next of kin; and

- (c) where a HSS Trust has made arrangements for the provision of accommodation, board and personal care to the resident at the residential care home, that Trust.
- (2) If it is impracticable for the registered person to comply with the requirement in paragraph (1) –
 - (a) he shall do so as soon as it is practicable to do so; and
 - (b) he shall provide to the Regulation and Improvement Authority a statement as to the circumstances which made it impracticable for him to comply with the requirement.

Appointment of liquidators etc.

- 34.**—(1) Any person to whom paragraph (2) applies must –
- (a) forthwith notify the Regulation and Improvement Authority of his appointment, indicating the reasons for it;
 - (b) appoint a manager to take full-time day-to-day charge of the residential care home in any case where there is no registered manager; and
 - (c) within 28 days of his appointment notify the Regulation and Improvement Authority of his intentions regarding the future operation of the home.
- (2) This paragraph applies to any person appointed as –
- (a) the receiver or manager of the property of a company or partnership which is a registered provider in respect of a home;
 - (b) a liquidator or provisional liquidator of a company which is a registered provider of a home; or
 - (c) the trustee in bankruptcy of a registered provider of a home.

Death of registered person

- 35.**—(1) If more than one person is registered in respect of a residential care home, and a registered person dies, the surviving registered person shall without delay notify the Regulation and Improvement Authority of the death in writing.
- (2) If only one person is registered in respect of a home, and he dies, his personal representatives shall notify the Regulation and Improvement Authority in writing –
- (a) without delay of the death; and
 - (b) within 28 days of their intentions regarding the future running of the home.
- (3) The personal representatives of the deceased registered provider may carry on the home without being registered in respect of it –
- (a) for a period not exceeding 28 days; and
 - (b) for any further period as may be determined in accordance with paragraph (4).
- (4) The Regulation and Improvement Authority may extend the period specified in paragraph (3)
- (a) by such further period, not exceeding one year, as the Regulation and Improvement Authority shall determine, and shall notify any such determination to the personal representatives in writing.
- (5) The personal representatives shall appoint a person to take full-time day-to-day charge of the home during any period in which, in accordance with paragraph (3), they carry on the home without being registered in respect of it.

Offences

36.—(1) A contravention or failure to comply with any of the provisions of regulations 3, 4, 5, 11, 12, 13(1) to (4) and (7) to (9), 14, 15 to 17, 18(1), (2)(a) to (i) and (k) to (n) and (3), 19 to 24, 27 to 33, shall be an offence.

(2) The Regulation and Improvement Authority shall not bring proceedings against a person in respect of any contravention or failure to comply with those regulations unless –

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice, has expired; and
- (d) the person contravenes any of the provisions of the regulations mentioned in the notice.

(3) Where the Regulation and Improvement Authority considers that the registered person has contravened any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying –

- (a) in what respect in its opinion the registered person has contravened the requirements of any of the regulations;
- (b) what action, in the opinion of the Regulation and Improvement Authority, the registered person should take so as to comply with any of those regulations; and
- (c) the period, not exceeding three months, within which the registered person should take action.

(4) The Regulation and Improvement Authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 19 and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

Compliance with regulations

37. Where there is more than one registered person in respect of a home, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

38. The Residential Care Homes Regulations (Northern Ireland) 1993⁽¹⁾ and the Residential Care Homes (Amendment) Regulations (Northern Ireland) 1998⁽²⁾, are hereby revoked.

(1) S.R. 1993 No. 91
(2) S.R. 1998 No. 139