

STATUTORY RULES OF NORTHERN IRELAND

2007 No. 235

**The Domiciliary Care Agencies
Regulations (Northern Ireland) 2007**

PART 1

GENERAL

Citation and commencement

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

Commencement Information

II Reg. 1 in operation at 30.4.2007, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

“agency” means a domiciliary care agency;

“agency premises” means the premises from which the activities of an agency are carried on;

[^{F1}“bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;]

[^{F2}“debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

“debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;]

“direct service provider” means a provider who supplies a domiciliary care worker who is employed by, and who acts for and under the control of, the provider;

“domiciliary care worker” means a person who—

(a) is employed by an agency to act for, and under the control of, another person;

(b) is introduced by an agency to a service user for employment by him; or

(c) is employed by a direct service provider,

in a position which is concerned with the provision of prescribed services in their own homes for persons who by reason of illness, infirmity, disability or family circumstances are unable to provide any such service for themselves without assistance;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“personal care” has the same meaning as in Article 10(3) of the Order;

“prescribed services” shall be construed in accordance with regulation 3;

[^{F3}“the register” means the register of social care workers maintained by the Northern Ireland Social Care Council under section 3(1) of the 2001 Act;]

“registered manager”, in relation to an agency, means a person who is registered under Part III of the Order as the manager of the agency;

“registered person”, in relation to an agency, means any person who is the registered provider or the registered manager of the agency;

“registered provider”, in relation to an agency, means a person who is registered under Part III of the Order as the person carrying on the agency;

“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 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;

[^{F3}“the relevant part” means that part of the register referred to in section 3(2) of the 2001 Act which is most relevant to that person, taking into account their current employment;]

“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” shall be construed in accordance with regulation 8(2);

“service user” means any person for whom an agency—

- (a) supplies a domiciliary care worker who is employed by the agency (including domiciliary care workers supplied by a direct service provider); or
- (b) provides services for the purpose of supplying him with a domiciliary care worker for employment by him;

“service user’s guide” means the guide produced in accordance with regulation 6(1);

“service user plan” means the written plan prepared in accordance with regulation 15(2);

“statement of purpose” means the written statement compiled in accordance with regulation 5(1).

(2) In these Regulations, references to the supply of a domiciliary care worker mean—

- (a) the supply of a domiciliary care worker who is employed by an agency to act for and under the control of another person;
- (b) the introduction of a domiciliary care worker by an agency to a service user for employment by him; and
- (c) the supply of a domiciliary care worker employed by a direct service provider to a service user.

(3) In these Regulations, the terms “employed” and “employment” include employment under a contract of service or a contract for services, or otherwise than under a contract and whether or not for payment.

- F1** Words in [reg. 2\(1\)](#) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 42(2)**
- F2** Words in [reg. 2\(1\)](#) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 49(2)**
- F3** Words in [reg. 2\(1\)](#) inserted (21.10.2013) by [The Northern Ireland Social Care Council \(Social Care Workers Prohibition\) and Fitness of Workers Regulations \(Northern Ireland\) 2013 \(S.R. 2013/225\)](#), regs. 1, **12(2)**

Commencement Information

- I2** Reg. 2 in operation at 30.4.2007, see [reg. 1](#)

Prescribed services

3. For the purposes of the definition of “domiciliary care agency” in Article 2(2) of the Order, the prescribed services are:

- (a) personal care; and
- (b) assessment of the need for such care.

Commencement Information

- I3** Reg. 3 in operation at 30.4.2007, see [reg. 1](#)

Excepted undertakings

4. For the purposes of the Order, an undertaking is excepted from the definition of “domiciliary care agency” in Article 2(2) of the Order if the undertaking is carried on by an individual who—

- (a) carries it on otherwise than in partnership with others;
- (b) is not employed by an organisation to carry it on; and
- (c) does not employ any other person for the purpose of the undertaking.

Commencement Information

- I4** Reg. 4 in operation at 30.4.2007, see [reg. 1](#)

Statement of purpose

5.—(1) The registered person shall compile in relation to the 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 person shall supply a copy of the statement of purpose to the [F4RQIA] and shall make a copy of it available on request for inspection at the agency premises by every service user and the service user’s representative.

(3) Nothing in regulation 25 shall require or authorise the registered person 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 person under Part III of the Order.

F4 Words in Regulations substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(a\)](#) (with [Sch. para. 1\(2\)](#))

Commencement Information

I5 Reg. 5 in operation at 30.4.2007, see [reg. 1](#)

Service user’s guide

- 6.—(1) The registered person shall produce a written service user’s guide which shall include—
- (a) a summary of the statement of purpose;
 - (b) the terms and conditions in respect of the services to be provided to service users, including details as to the amount and method of payment of fees, if appropriate;
 - (c) a summary of the complaints procedure established in accordance with regulation 22; and
 - (d) the address and telephone number of the [F4RQIA].

(2) The registered person shall supply a copy of the service user’s guide to the [F4RQIA] and every service user and, upon request, to the service user’s representative.

(3) On request the registered person shall also provide, to the service user or the service user’s representative, access to a copy of the most recent inspection report and information on how to access earlier inspection reports.

F4 Words in Regulations substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(a\)](#) (with [Sch. para. 1\(2\)](#))

Commencement Information

I6 Reg. 6 in operation at 30.4.2007, see [reg. 1](#)

Review of statement of purpose and service user’s guide

7. The registered person shall—
- (a) keep under review and, where appropriate, revise the statement of purpose and the service user’s guide; and
 - (b) notify the [F4RQIA] and service users or their representatives of any material revision within 28 days.

F4 Words in Regulations substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(a\)](#) (with [Sch. para. 1\(2\)](#))

Commencement Information

I7 Reg. 7 in operation at 30.4.2007, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Domiciliary Care Agencies Regulations (Northern Ireland) 2007, PART 1.