

1986 No. 338

NURSING HOMES AND NURSING AGENCIES

The Nursing Agencies Regulations (Northern Ireland) 1986

Made 18th November 1986

Coming into operation 1st January 1987

The Department of Health and Social Services in exercise of the powers conferred on it by section 18(1) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(a) and of every other power enabling it in that behalf hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Nursing Agencies Regulations (Northern Ireland) 1986 and shall come into operation on 1st January 1987.

(2) In these Regulations:

“the Act” means the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.

“the Licence” means a licence issued under Section 12(2) of the Act.

“the Register” means the Register of qualified nurses, midwives and health visitors prepared and maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979(b).

Supply of Nurses, Midwives and Health Visitors

2. A person carrying on a nursing agency shall supply persons whose names are contained on part or parts of the Register.

Licences

3.—(1) An application for a licence shall be made in writing to the Department in the form set out in the First Schedule and shall be accompanied by the fee payable as set out in Regulation 4.

(2) An application for a licence by the holder of a licence in respect of the same premises shall be made not less than 4 weeks before the date on which the current licence is due to expire.

Fees

4.—(1) The fee payable in the case of a first application to the Department for a licence shall be thirty pounds.

(2) The fee payable in the case of an application by a holder of a licence in respect of the same premises shall be fifteen pounds.

(3) The fee payable in the case of an application by a holder of a licence in respect of the same premises to carry on that nursing agency in different or additional premises shall be five pounds.

(a) 1971 c. 32 (N.I.)

(b) 1979 c. 36

Statements

5.—(1) A statement in writing for the purposes of subsection (2) of section 11 of the Act shall be in the form set out in the Second Schedule.

(2) The Statement shall be delivered in person by the person supplied on the day that person is to report for duty.

Provided that, if it is not reasonably practicable for the person supplied so to deliver the statement, the statement may be sent by post or other suitable means and in such case shall—

- (a) if sent by other means than post, be delivered, and
- (b) if sent by post be posted at such time as will, in the ordinary course of post, enable it to be delivered,

not later than the end of the day next after that on which the person supplied is to report for duty.

Records

6. A person carrying on a nursing agency shall keep records showing:—

- (a) the full name (including maiden name, if appropriate), address and the date of birth of every person who is supplied by the nursing agency;
 - (i) the part or parts of the Register in which that person's name is included;
 - (ii) the Registration number of that person;
 - (iii) additional nursing qualifications (if any) held by that person;
 - (iv) in the case of a midwife, verification of the intention to practise provided by that person to the Health and Social Services Board established under Article 16 of The Health and Personal Social Services (Northern Ireland) Order 1972(a);
- (b) in the case of a person supplied having trained outside the United Kingdom particulars of the assessment of that person's knowledge of English;
- (c) the name and professional qualifications of the registered nurse or the registered medical practitioner by or under whose supervision the selection of the person supplied for a particular case is made;
- (d) the name and address of any persons to whom a person is supplied, the name of the person supplied in each case, the date on which the person is supplied, and the duration of the period of supply;
- (e) the weekly or monthly fee, charge or other consideration required in each case from the person to whom a person is supplied, and the total fee, charge or other consideration required in each case;
- (f) the total commission or fee and expenses, if any, charged in each case to the person supplied; and (except in a case to which the next succeeding sub-paragraph applies) the net amount retained by, or as the case may be, paid by the nursing agency to, the person supplied in each case;
- (g) where a person supplied is employed by the nursing agency, the annual salary and emoluments payable to, and conditions of employment of, that person;
- (h) the terms of the standard agreement between the nursing agency and the person supplied by that agency, and particulars of any variation of those terms in any particular case;
- (i) whether the person supplied is a member of any superannuation scheme, and if so what scheme;

- (j) particulars of the contents of all statements given for the purposes of subsection (2) of section 11 of the Act; and
- (k) particulars of any complaints made against the nursing agency and of the action taken thereon.

Revocation

7. The Nurses Agencies Regulations (Northern Ireland) 1950(a) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on the 18th day of November 1986.

(L.S.)

P. Simpson

Assistant Secretary

SCHEDULE 1

Form of Application for Licence

I (or We) hereby apply to the Department of Health and Social Services in pursuance of section 12 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971 for a licence to carry on a nursing agency (as defined in section 19 of that Act) and furnish below particulars in regard to the agency:—

- | | |
|--|-----|
| 1. (a) Full name of the applicant(s)
(Surname(s) in block capitals). | (a) |
| (b) Private address of the applicant(s). | (b) |
| (c) (in the case of a woman) whether
married or single. | (c) |
| (d) If married her maiden name. | (d) |
| (e) Age of applicant(s). | (e) |
| (f) Professional status of applicant(s). | (f) |
| (g) If a nurse, her registration number. | (g) |
| (h) Nationality of applicant(s). | (h) |
| 2. If the application is made by a
company, society, association or other
body— | |
| (a) Registered or principal office of
company, society, association or
body. | (a) |
| (b) Full name and address of each
director, trustee or other person
concerned in the management of
the company, society, association
or other body. | (b) |
| 3. Full name and private address of every
person (if any) other than the
applicant(s) who is, or is to be
responsible for the management of the
nursing agency. | |
| 4. (a) Name, style or title under which the
nursing agency is carried on. | (a) |
| (b) The address of the nursing agency. | (b) |
| (c) Brief description of premises
including, where accommodation
is provided on the premises or
associated premises for persons
supplied, particulars of the accom-
modation provided for them,
whether for sleeping or for
recreational purposes or for taking
meals. | |
| 5. Name, address and qualifications of
registered nurse (including particulars
of the part or parts of the register on
which his name is included) or the
name and the address of the registered
medical practitioner who supervises
selection of the person supplied in each
case. | |

6. If the person supplied trained outside the United Kingdom particulars of the assessment of that person's knowledge of English.
7. Number of persons supplied who could be accommodated on the premises or on associated premises.
8. Fees, charges and any other consideration charged for the supply of persons in each part or parts of the Register to:
 - (a) private patients;
 - (b) hospitals;
 - (c) nursing homes;
 - (d) other institutions.
9. Fees or commission charged to, and the other terms of engagement, if any, of persons supplied in each part or parts of the Register.
10. Name and address of any other nursing agency in which the applicant, or applicant company, society, association, or body, or any director or trustee thereof, is interested, and the nature and extent of the interest therein.
11. Name and address of any nursing agency with which the applicant, or any director or other person directly or indirectly responsible for the management of the applicant company, society, association, or body, has previously been connected.
12. Full particulars of any previous application by the applicant or by a person whose name is given in paragraph 2, for a licence which has been refused by any licensing authority.

I (or We) declare that the particulars stated in this application for a licence are true and correct.

Date _____

 Signature or Signatures

SCHEDULE 2

Form of Statement in writing for the purposes of Section 11(2) of the Act

Name of Nursing Agency

Address of Nursing Agency

To

Name

Address

This is to inform you that (Miss) (Mrs.) (Mr.) (name of person supplied), who has been instructed to report to you

on to act as a nurse*/midwife*/health visitor* is:—

(a) A registered nurse*/midwife*/health visitor* on the following part(s) of the register

.....

..... (Signature)

..... (Qualifications position held)

..... (Date)

*Delete as appropriate.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations revoke the Nurses Agencies Regulations (Northern Ireland) 1950.

The new Regulations make provision for a person supplied by a nursing agency to be registered with the United Kingdom Central Council for Nursing, Midwifery and Health Visiting. They also set out the application requirements for a licence to carry on a nursing agency. The licence fees payable by the applicant are increased from £2·10p to £30 per annum for the first application, £1·05p to £15 per annum for each subsequent application and from £0·13p to a fee of £5 where different or additional premises are to be used.

These Regulations require a nursing agency to provide to the person to whom it supplies a nurse, midwife or health visitor a statement of the qualifications of the person supplied and for it to maintain records.