

2005 No. 99

HEALTH AND PERSONAL SOCIAL SERVICES

**The Regulation and Improvement Authority (Registration)
Regulations (Northern Ireland) 2005**

Made - - - - - 11th March 2005

Coming into operation 1st April 2005

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation, commencement and extent
2. Interpretation

PART II

APPLICATIONS FOR REGISTRATION

3. Information and documents to be provided by an applicant
4. Convictions
5. Interview
6. Notice of changes
7. Information as to staff engaged after application made

PART III

CERTIFICATES OF REGISTRATION

8. Registers
9. Contents of certificate
10. Return of certificate
11. Offence

PART IV

CONDITIONS AND REPORTS

12. Application for variation or removal of condition
13. Report as to financial viability

PART V
CANCELLATION OF REGISTRATION

14. Cancellation of registration
15. Application for cancellation of registration

SCHEDULES

Schedule 1	Information to be supplied on an application for registration as a person who carries on an establishment or agency
Schedule 2	Documents to be supplied on an application for registration as a person who carries on an establishment or agency
Schedule 3	Information and documents to be supplied on an application for registration as the manager of an establishment or agency
Schedule 4	Information to be supplied on an application for registration in respect of a residential care home
Schedule 5	Information to be supplied on an application for registration in respect of a nursing home
Schedule 6	Information to be supplied on an application for registration in respect of a children's home
Schedule 7	Information to be supplied on an application for registration in respect of an independent hospital, independent clinic or independent medical agency
Schedule 8	Particulars to be recorded in the registers kept by the Regulation and Improvement Authority

The Department of Health Social Services and Public Safety, in exercise of the powers conferred on it by Articles 12(3), 13(2), 15(1)(d), 16(3), 17, 25 and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(a), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

PART I
GENERAL

Citation, commencement and extent

1. These Regulations may be cited as the Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 and shall come into operation on 1st April 2005.

Interpretation

2.—(1) In these Regulations –

“applicant” means a person seeking to be registered;

“placement plan” shall be construed in accordance with Regulation 13 of the Children's Homes Regulations (Northern Ireland) 2005;

(a) S.I. 2003/431 (N.I. 9)

“general medical practitioner” means a medical practitioner providing primary medical services;

“holding company” has the meaning given to it by Article 4 of the Companies (Northern Ireland) Order 1986^(a);

“nurse” means a person registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001^(b) by virtue of qualifications in nursing or midwifery;

“nursing agency service user” means a person to whom a nursing agency –

- (a) supplies a nurse who is employed by the agency; or
- (b) provides services for the purposes of supplying him with a nurse for employment by him;

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

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

“registered” means registered under Part III of the Order;

“registered manager” means a person who is registered as the manager of an establishment or agency;

“registered person” means a person who is the registered provider or registered manager in respect of an establishment or agency;

“registered provider” means a person who is registered as a person carrying on an establishment or agency;

“registration” means registration under Part III of the Order;

“the Regulation and Improvement Authority” has the same meaning as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

“relative”, in relation to any person, means –

- (a) the person’s spouse;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse;
- (c) the spouse of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, and references to “spouse” in relation to any person include a former spouse and a person who is living with the person as husband and wife;

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment or agency, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“responsible individual” means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency;

“responsible person” means –

- (a) where the applicant is an individual –
 - (i) the applicant; and
 - (ii) if the applicant carries on or intends to carry on the establishment or agency in partnership with others, each partner of his;
- (b) where the applicant is a partnership, each member of the partnership;
- (c) where the applicant is an organisation, the responsible individual;

^(a) S.I. 1986/1032 (N.I. 6)
^(b) S.I. 2002/253

“service user” means any person who is to be provided with accommodation or services in an establishment, or by an agency;

“statement of purpose” means –

- (a) in relation to a residential care home, the written statement required to be compiled in relation to the residential care home in accordance with regulation 4 of the Residential Care Home Regulations (Northern Ireland) 2005(a);
- (b) in relation to a nursing home, the written statement required to be compiled in relation to the nursing home in accordance with regulation 4 of the Nursing Homes Regulations (Northern Ireland) 2005(b);
- (c) in relation to a children’s home, the written statement required to be compiled in relation to the children’s home in accordance with regulation 4 of the Children’s Homes Regulations (Northern Ireland) 2005(c);
- (d) in relation to an independent hospital, independent clinic or independent medical agency, the written statement required to be compiled in relation to the independent hospital, independent clinic or independent medical agency in accordance with regulation 6 of the Independent Health Care Regulations (Northern Ireland) 2005(d);
- (e) in relation to a nursing agency the written statement required to be completed in relation to the Nursing Agencies Regulations (Northern Ireland) 2005(e);
- (f) in relation to an establishment or agency of any other description, a written statement of the aims and objectives of the establishment or agency;

“subsidiary” has the meaning given to it by Article 4 of the Companies (Northern Ireland) Order 1986(f).

(2) In these Regulations, references to an establishment or agency are to be construed as references –

- (a) in the case of an applicant, to the establishment or agency in respect of which he is seeking to be registered;
- (b) in the case of a registered person, to the establishment or agency in respect of which he is registered.

(3) In these Regulations –

- (a) references to the supply of a nurse mean –
 - (i) the supply of a nurse who is employed for the purposes of a nursing agency to act for and under the control of another person; and
 - (ii) the introduction of a nurse by a nursing agency to a nursing agency service user for employment by him.

PART II

APPLICATIONS FOR REGISTRATION

Information and documents to be provided by an applicant

3.—(1) An application for registration shall –

- (a) be in writing on a form approved by the Regulation and Improvement Authority;
- (b) be sent to the Regulation and Improvement Authority;

(a) S.R. 2005/161
(b) S.R. 2005/160
(c) S.R. 2005/176
(d) S.R. 2005/174
(e) S.R. 2005/175
(f) S.I. 1986/1032 (N.I. 6)

- (c) be accompanied by a recent photograph of the responsible person, of whom the photograph shall be a true likeness;
- (d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).

(2) A person who is seeking to be registered as a person who carries on an establishment or agency shall provide to the Regulation and Improvement Authority –

- (a) full information in respect of the matters listed in Parts I and II of Schedule 1;
- (b) the documents listed in Schedule 2.

(3) A person who is seeking to be registered as a manager in respect of an establishment or agency shall provide to the Regulation and Improvement Authority –

- (a) full information in respect of each of the matters listed in Part I of Schedule 3;
- (b) the documents listed in Part II of that Schedule.

(4) A person who is seeking to be registered in respect of an establishment or agency of a description specified in column (1) below shall provide to the Regulation and Improvement Authority full information in respect of each of the matters listed in the Schedule specified in the corresponding entry in column (2) below.

<i>Establishment or agency</i>	<i>Schedule</i>
(1)	(2)
Residential Care Home	Schedule 4
Nursing Home	Schedule 5
Children’s Home	Schedule 6
Independent Hospital, Independent Clinic or Independent Medical Agency	Schedule 7

(5) If the Regulation and Improvement Authority so requests, the applicant shall provide full information to the Regulation and Improvement Authority in respect of the matters listed in Part III of Schedule 1 in relation to any person specified for this purpose by the Regulation and Improvement Authority who works, or is intended to work, at the establishment or for the purposes of the agency.

(6) The applicant shall provide to the Regulation and Improvement Authority any other information or documents that it may reasonably require in relation to his application for registration.

Convictions

4. Where the Regulation and Improvement Authority asks the responsible person for details of any criminal convictions which are spent within the meaning of Article 3 of the Rehabilitation of Offenders (Northern Ireland) Order 1978(a) and informs him at the time the question is asked that by virtue of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(b) spent convictions are to be disclosed, he shall supply in writing to the Regulation and Improvement Authority details of any spent convictions that he has.

Interview

5. The responsible person shall attend an interview for the purpose of enabling the Regulation and Improvement Authority to determine whether the applicant is fit to carry on or manage the establishment or agency in respect of which the applicant seeks to be registered.

(a) S.I. 1978/1908 (N.I. 27)
 (b) S.R. 1979/195

Notice of changes

6. The applicant shall give notice in writing to the Regulation and Improvement Authority of any change specified below which occurs after the application for registration is made and before it is determined –

- (a) any change of the name or address of the applicant or any responsible person;
- (b) where the applicant is a partnership, any change of membership of the partnership;
- (c) where the applicant is an organisation, any change of director, manager, secretary or other person responsible for the management of the organisation.

Information as to staff engaged after application made

7.—(1) Where an applicant applies for registration as a person who carries on an establishment or agency, and before the application is determined, engages a person to work at the establishment or for the purposes of the agency, he shall, in respect of each person so engaged –

- (a) obtain the information specified in paragraphs 16 and 17 of Schedule 1 and, except where paragraph (2) applies, the documents specified in paragraph 10 of Schedule 2, in relation to the position in which the person is to work;
- (b) provide to the Regulation and Improvement Authority, if it so requests, any of the information or documents which he is required to obtain under paragraph (a).

(2) This paragraph applies where any certificate or information on any matters referred to in paragraph 10 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.

PART III

CERTIFICATES OF REGISTRATION

Registers

8.—(1) The Regulation and Improvement Authority shall keep a register in respect of each description of establishment or agency specified in Article 8(1) or (2) of the Order.

(2) Each register shall contain, in relation to each establishment or agency in respect of which a person's application for registration has been granted –

- (a) the particulars specified in Part I of Schedule 6; and
- (b) the particulars specified in respect of the register in Part II of that Schedule.

(3) Article 33(1) and (2) of the Order (provision of copies of register) shall not apply to any part of the register relating to childrens homes which consists of the restricted part of the address of any childrens homes.

(4) For the purposes of paragraph (3), the restricted part of the address of a childrens home is the whole address except the name of the childrens home.

Contents of certificate

9. Where the Regulation and Improvement Authority is required to issue a certificate of registration it shall ensure that the certificate contains the following particulars –

- (a) the name, address and telephone number of the Regulation and Improvement Authority;
- (b) the name and address of the person who has been registered as the person who carries on the establishment or agency;
- (c) where the person is an organisation, the name of the responsible individual;
- (d) the name of the person registered as the manager of the establishment or agency;

- (e) the description of the establishment or agency by reference to the description of establishment or agency specified in section 8(1) or (2) of the Order;
- (f) where the registration is subject to any condition, details of the condition including any requirement in the condition as to –
 - (i) the facilities or services that are to be provided;
 - (ii) the number of service users for whom accommodation or services may be provided;
 - (iii) the description of persons to whom facilities or services are to be provided;
 - (iv) any period of time within which the condition is to be fulfilled;
 - (v) the number and description of persons working at any specified place and time;
- (g) the date of registration;
- (h) a statement that if an establishment or agency is not carried on in accordance with the requirements and conditions specified in the certificate, the registration is liable to be cancelled by the Regulation and Improvement Authority;
- (i) a statement that the certificate relates only to the person to whom it is issued by the Regulation and Improvement Authority and is not capable of being transferred to another person.

Return of certificate

10. If the registration of a person in respect of an establishment or agency is cancelled, he shall, not later than the day on which the decision or order cancelling the registration takes effect, return the certificate of registration to the Regulation and Improvement Authority by –

- (a) delivering it, in person to the Regulation and Improvement Authority; or
- (b) sending it to the Regulation and Improvement Authority by registered post or by recorded delivery.

Offence

11.—(1) A failure to comply with regulation 10 shall be an offence.

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

- (a) the Regulation and Improvement Authority has served a notice on the person specifying –
 - (i) details of the person’s failure to comply with that regulation, and
 - (ii) the period not exceeding one month, within which the person may make representations to the Regulation and Improvement Authority about the notice, and
- (b) the period specified in the notice, beginning with and including the date of the notice, has expired.

PART IV CONDITIONS AND REPORTS

Application for variation or removal of a condition

12.—(1) In this regulation –

“application” means an application by the registered person under Article 16(1)(a) of the Order for the variation or removal of a condition in relation to his registration;

“proposed effective date” means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

(2) An application shall be –

- (a) made in writing on a form approved by the Regulation and Improvement Authority;

- (b) sent to the Regulation and Improvement Authority not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with the Regulation and Improvement Authority;
 - (c) accompanied by the information specified in paragraph (3);
 - (d) accompanied by a fee of such amount as may be prescribed in relation to the variation or removal applied for by any regulation made under Article 16(3) of the Order.
- (3) The following information is specified –
- (a) the proposed effective date;
 - (b) the registered person’s reasons for making the application;
 - (c) details of changes that the registered person proposes to make in relation to the establishment or agency as a consequence of the variation or removal applied for, including details of –
 - (i) proposed structural changes to the premises that are used as an establishment or for the purposes of an agency;
 - (ii) additional staff, facilities or equipment, or changes in management that are required to ensure that the proposed changes are carried into effect.
- (4) The registered person shall provide the Regulation and Improvement Authority with any other information or any documents that it may reasonably require in relation to his application.

Report as to financial viability

13. If it appears to the registered person that the establishment or agency is likely to cease to be financially viable at any time within the next following six months, the registered person shall give a report to the Regulation and Improvement Authority of the relevant circumstances.

PART V

CANCELLATION OF REGISTRATION

Cancellation of registration

14. The following grounds are specified for the purposes of Article 15(1)(d) of the Order as grounds on which the Regulation and Improvement Authority may cancel the registration of a person in respect of an establishment or agency –

- (a) he has failed to pay at the time prescribed under Article 17(3) of the Order the annual fee payable by him by virtue of that paragraph;
- (b) he has in relation to any application by him –
 - (i) for registration; or
 - (ii) for the variation or removal of a condition in relation to his registration, made a statement which is false or misleading in a material respect or provided false information;
- (c) the establishment or agency has ceased to be financially viable, or is likely to cease to be so within the next six months.

Application for cancellation of registration

15.—(1) In this regulation –

“application for cancellation” means an application by the registered person under Article 16(1)(b) of the Order for the cancellation of his registration;

“notice of application for cancellation” means a notice by the registered person stating that he has made, or intends to make, an application for cancellation;

“proposed effective date” means the date requested by the registered person as the date on which the cancellation applied for is to take effect.

(2) An application for cancellation shall be –

- (a) made in writing on a form approved by the Regulation and Improvement Authority;
- (b) sent to the Regulation and Improvement Authority not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with the Regulation and Improvement Authority;
- (c) accompanied by the information specified in paragraph (4).

(3) If the registered person makes an application for cancellation he shall not more than seven days thereafter give notice of application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom he has given such notice within three months before he made the application for cancellation.

(4) The following information is specified –

- (a) the proposed effective date;
- (b) a statement as to the arrangements (if any) that have been made by the registered person to ensure that on and after –
 - (i) the date of application for cancellation; and
 - (ii) the proposed effective date,

service users will continue to be provided with similar accommodation (if any) and services as those provided to them in the establishment or by the agency at the date on which the application for cancellation is made;

- (c) the registered person’s reasons for making the application for cancellation;
- (d) particulars of any notice of application for cancellation that has been given to any of the following persons –
 - (i) service users;
 - (ii) persons who appear to the registered person to be representatives of service users;
 - (iii) the HSS trust in whose area the establishment or the premises used by the agency are situated;
- (e) where the registered person has not given notice of application for cancellation to –
 - (i) each service user;
 - (ii) in respect of each service user, a person who appears to the registered person to be a representative of that service user; and
 - (iii) the HSS trust in whose area, the establishment or the premises used by the agency is situated.

a statement as to whether there were any circumstances which prevented the registered person from giving, or made it impractical for him to give, notice of application for cancellation to any of the persons or bodies referred to in heads (i) to (iii) before the date on which he applied for cancellation;

- (f) where the registered person has applied for cancellation less than three months before the proposed effective date, a report as to whether the establishment or agency has ceased, or is likely to cease within the next following twelve months, to be financially viable.

(5) The registered person shall provide the Regulation and Improvement Authority with any other information or any documents that it may reasonably require in relation to his application for cancellation.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 11th March 2005.

(L.S.)

Noel McCann
Senior Officer of the Department of Health, Social Services and Public Safety

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION AS A PERSON WHO CARRIES ON AN ESTABLISHMENT OR AGENCY

PART I

Information about the applicant

1. Where the applicant is an individual –
 - (a) if he intends to carry on the establishment or agency in partnership with others, the information specified in the following sub-paragraphs of this paragraph in relation to each partner of the firm;
 - (b) the responsible person's full name, date of birth, address and telephone number;
 - (c) details of his professional or technical qualifications, and experience of carrying on an establishment or agency, so far as such qualifications and experience are relevant to providing services for persons to whom services are to be provided at the establishment or by the agency;
 - (d) details of his employment history, including the name and address of his present employer and of any previous employers;
 - (e) details of any business he carries on or has carried on;
 - (f) the name and addresses of two referees –
 - (i) who are not relatives of the responsible person;
 - (ii) each of whom is able to provide a reference as to the responsible person's competence to carry on an establishment or agency of the same description as the establishment or agency; and
 - (iii) one of whom has employed the responsible person for a period of at least 3 months, but the requirement for the name and address of a referee who has employed the responsible person for a period of at least 3 months shall not apply where it is impracticable to obtain a reference from a person who fulfils that requirement.
2. Where the applicant is a partnership –
 - (a) the name and address of the partnership;
 - (b) in relation to each member of the partnership, the information specified in paragraph 1(b) to (f).
3. Where the applicant is an organisation –
 - (a) the name of the organisation and the address of the registered office or principal office of the organisation;
 - (b) the full name, date of birth, address and telephone number of the responsible individual;
 - (c) details of the professional or technical qualifications of the responsible individual and his experience of carrying on an establishment or agency of the same description as the establishment or agency, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency;
 - (d) if the organisation is a subsidiary of a holding company, the name and address of the registered or principal office of the holding company and of any other subsidiary of that holding company.
4. In every case, other than where the applicant is an officer of a Health and Social Services Board or HSS trust –
 - (a) a reference from a bank expressing an opinion as to the applicant's financial standing;
 - (b) a statement as to whether the responsible person has been adjudged bankrupt, or sequestration of his estate has been ordered, or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (c) a statement as to the applicant's ability to ensure the financial viability of the establishment or agency for the purpose of achieving the aims and objectives of the establishment or agency set out in its statement of purpose;
 - (d) a business plan in respect of the establishment or agency;
 - (e) details as to cash-flow in respect of the establishment or agency.

PART II

Information about the establishment or agency

5. The name, address, telephone number, facsimile number, and electronic mail address (if any) of the establishment or agency.

6. The description of establishment or agency specified in Article 8(1) or (2) or (3) of the Order in respect of which the applicant seeks to be registered.

7. The statement of purpose of the establishment or agency.

8. A statement as to the accommodation, facilities and services which are to be provided by the establishment or agency including the extent and, where appropriate, location of such accommodation, facilities and services.

9. The date on which the establishment or agency was established or is proposed to be established.

10. Details of the scale of charges payable by the service users.

11. In respect of the premises to be used by an establishment –

- (a) a description of the premises, including a statement as to whether the premises are purpose-built or have been converted for use as an establishment;
- (b) a description of the area in which the premises are located.

12. In respect of the premises to be used by an establishment or for the purposes of an agency, a statement as to whether at the date the application is made the premises are capable of being used for the purpose of –

- (a) achieving the aims and objectives set out in the statement of purpose of the establishment or agency; and
- (b) providing facilities and services in accordance with the statement referred to in paragraph 8,

without the need for planning permission, building works, or conversion of the premises and, if the premises are not capable of such use at the date the application is made, details of the planning permission, building works or conversion needed.

13. A statement as to the security arrangements, including arrangements for the purposes of –

- (a) safeguarding access to information held by the establishment or agency; and
- (b) restricting access from adjacent premises or, when the premises form part of a building, from other parts of the building.

14. The name and address of any other establishment or agency of a description specified in Article 8(1) or (2) of the Order in which the applicant has or has had a business or financial interest, or at which he is or has been employed, and details of such interest or employment.

15. Whether any other business is or will be carried on in the same premises as those of the establishment or agency and, if so, details of such business.

Information about staff

16. In respect of any person, other than the applicant, who works at, or is intended to work at the establishment or for the agency –

- (a) the person's name, sex and date of birth;
- (b) the person's duties and responsibilities in relation to his work.

PART III

Further information about staff

17. In respect of any person, other than the applicant, who works at, or is intended to work at the establishment or for the purposes of the agency –

- (a) whether the person is, or is intended to be, resident in the premises used as the establishment or for the purposes of the agency;
- (b) if he is a relative of any person who has made an application in respect of the establishment or agency, his relationship to such person;
- (c) whether the person works or is intended to work, on a full-time basis or on a part-time basis and, if on a part-time basis, the number of hours per week for which it is intended that the person will work;
- (d) the date on which the person commenced, or is intended to commence, working at the establishment or for the purposes of the agency;

- (e) information as to the person's qualifications, experience and skills in so far as is relevant to the work that the person is to perform;
- (f) a statement by the applicant that he is satisfied as to the authenticity of the qualifications, and has verified the experience and skills that are referred to in sub-paragraph (e);
- (g) a statement as to –
 - (i) the suitability of the person's qualifications for the work that the person is to perform;
 - (ii) whether the person has the skills necessary for such work;
 - (iii) the person's fitness to work, and have regular contact, with service users;
- (h) a statement by the person as to the state of his physical and mental health;
- (i) a statement by the applicant that the person is physically and mentally fit for the purposes of the work which he is to perform;
- (j) a statement by the applicant as to whether he is satisfied as to the person's identity, the means by which he so satisfied himself and whether he has obtained a copy of the person's birth certificate;
- (k) confirmation by the applicant that he has a recent photograph of the person;
- (l) a statement by the applicant that he has obtained two references relating to the person and that he is satisfied as to the authenticity of those references;
- (m) details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order 1978 and which may be disclosed by virtue of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979, and, in relation to each such offence, a statement by the person –
 - (i) as to whether in his view the offence is relevant to his suitability to care for, train, supervise or be in sole charge of any person and, if so,
 - (ii) as to why he considers that he is suitable to perform the work in which he is to be employed;
- (n) details of any criminal offences in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.

SCHEDULE 2

Regulation 3(2)(b)

DOCUMENTS TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION AS A PERSON WHO CARRIES ON AN ESTABLISHMENT OR AGENCY

Documents concerning applicant

1. The responsible person's birth certificate.
2. Certificates or other suitable evidence relating to the responsible person's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.
- 3.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the responsible person is physically and mentally fit to carry on an establishment or agency of the same description as the establishment or agency.
- (2) Where the responsible person is unable to obtain the report referred to in sub-paragraph (1), a statement by the responsible person as to the state of his physical and mental health.
4. The following documents in relation to the responsible person –
 - (a) a criminal record certificate –
 - (i) which has been issued under section 113 of the Police Act 1997; and
 - (ii) the application for which was countersigned by the Regulation and Improvement Authority, including, where applicable, the matters specified in section 113(3EA)(a) and (b) of that Act and the following provisions once they are in force namely section 113(3EC)(a) and (b) of that Act;
 - (b) an enhanced criminal record certificate –
 - (i) which has been issued under section 115 of that Act; and
 - (ii) the application for which was countersigned by the Regulation and Improvement Authority, including, where applicable, the matters specified in section 115(6EA)(a) and (b) of that Act and the following provisions once they are in force, namely section 115(6EB)(a) and (b) of that Act.

5. Where the applicant is a corporate body, a copy of each of its last two annual reports.

6. Where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company.

7. The last annual accounts (if any) of the establishment or agency.

8. Except where the applicant is a Health and Social Services Board or a HSS trust a reference from a bank expressing an opinion as to the applicant's financial standing.

9. A certificate of insurance for the applicant in respect of liability which may be incurred by him in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.

Criminal record certificates in respect of staff

10.—(1) In the case of an establishment or agency other than a nursing agency a statement confirming that –

- (a) the documents specified in sub-paragraph (2) have been issued –
 - (i) in the case of any applicant, to every person, other than the applicant, who works, or is intended to work, for the purposes of the establishment or agency; and
 - (ii) where the applicant is an organisation, to the responsible individual; and
- (b) the applicant will make the documents so issued available for inspection by the Regulation and Improvement Authority if the Regulation and Improvement Authority so requires.

(2) The following documents are specified –

- (a) where the position falls within section 115(3) or (4) of the Police Act 1997, an enhanced criminal record certificate issued to the person under section 115 of that Act; or
- (b) in any other case, a criminal record certificate issued to the person under section 113 of that Act,

including, where applicable the matters specified in section 113(3EA) and 115(6EA) of that Act and the following provisions, once they are in force, namely section 113(3EC)(a) and (b) and section 115(6EB)(a) and (b) of that Act.

(3) The following information is specified, that is to say, details of any criminal offences –

- (a) of which a person has been convicted including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 and which may be disclosed by virtue of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979; or
- (b) in respect of which a person has been cautioned by a constable and which at the time the caution was given, he admitted.

(4) In the case of a nursing agency, a statement confirming that –

- (a) the documents specified in sub-paragraph (2) have been issued –
 - (i) in the case of any applicant, to any person who carries out, or is intending to carry out, the selection of any nurses to be supplied by the nursing agency; and
 - (ii) where the applicant is an organisation, to the responsible individual;
- (b) the information specified in sub-paragraph (3) has been provided to the applicant in relation to any nurse who is supplied, or is intended to be supplied, by the nursing agency;
- (c) the applicant will make the documents or information referred to in this sub-paragraph, available for inspection by the Regulation and Improvement Authority if that Authority so requires.

SCHEDULE 3

Regulation 3(3)

INFORMATION AND DOCUMENTS TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION AS THE MANAGER OF AN ESTABLISHMENT OR AGENCY

PART I

Information

1. The applicant's full name, date of birth, address and telephone number.

2. Details of the applicant's professional or technical qualifications, and experience of managing an establishment or agency, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.

3. Details of the applicant's professional training relevant to carrying on or managing an establishment or agency.

4. Details of the applicant's employment history, including the name and address of his present employer and of any previous employers.

5. Details of any business the applicant carries on or manages or has carried on or managed.

6. The name and addresses of two referees –

(a) who are not relatives of the applicant;

(b) each of whom is able to provide a reference as to the applicant's competence to carry on an establishment or agency of the same description as the establishment or agency; and

(c) one of whom has employed the applicant for a period of at least 3 months,

but the requirement for the name and address of a referee who has employed the applicant for a period of at least 3 months in the last five years, shall not apply where it is impracticable to obtain a reference from a person who fulfils that requirement.

7. The name, address, telephone number, facsimile number, and electronic mail address (if any) of the establishment or agency.

PART II

Documents

8. The applicant's birth certificate.

9. Certificates or other suitable evidence relating to the applicant's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.

10.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the applicant is physically and mentally fit to carry on an establishment or agency of the same description as the establishment or agency.

(2) Where the applicant is unable to obtain the report referred to in sub-paragraph (1), a statement by the applicant as to the state of his physical and mental health.

11. A criminal record certificate –

(a) which has been issued to the applicant under section 113 of the Police Act 1997; and

(b) the application for which was countersigned by the Regulation and Improvement Authority,

including, where applicable, the matters specified in section 113(3EA)(a) and (b) of that Act and the following provisions, once they are in operation, namely section 113(3EC)(a) and (b) of that Act.

12. An enhanced criminal record certificate –

(a) which has been issued to the applicant under section 115 of that Act; and

(b) the application for which was countersigned by the Regulation and Improvement Authority,

including, where applicable, the matters specified in section 115(6EA)(a) and (b) of that Act and the following provisions, once they are in operation, namely section 115(6EB)(a) and (b) of that Act.

SCHEDULE 4

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION IN RESPECT OF A RESIDENTIAL CARE HOME

1. Details of the accommodation available for –

(a) service users; and

(b) persons working at the residential care home.

2. The maximum number of service users for whom the care home is proposed to be used, and the number of such users by reference to –

- (a) their sex;
- (b) the categories listed in paragraph 6(c) of Schedule 8.

3. If a residential care home and nursing home are to be carried on at the same site details of the composition of each according to the requirements of paragraph 2 and 3 of this Schedule.

SCHEDULE 5

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION IN RESPECT OF A NURSING HOME

1. Details of the accommodation available for –

- (a) service users; and
- (b) persons working at the nursing home.

2. The maximum number of service users for whom the nursing home is proposed to be used, and the number of such users by reference to –

- (a) their sex;
- (b) the categories listed in paragraph 6(c) of Schedule 8.

3. If a nursing home and residential care home are to be carried on at the same site details of the composition of each according to the requirements of paragraph 1 and 2 of this Schedule.

SCHEDULE 6

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION IN RESPECT OF A CHILDREN'S HOME

1. The following details about the children who are intended to be accommodated at the children's home –

- (a) their age range;
- (b) their sex;
- (c) the maximum number of such children;
- (d) whether the children to be accommodated are selected by reference to other criteria than age or sex, and if so those criteria.

2. The organisational structure of the children's home.

3. The facilities and services to be provided within the children's home for the children accommodated.

4. The arrangements for safeguarding children and promoting the health and well-being of any children accommodated.

5. The fire precautions and emergency procedures.

6. The arrangements to enable children to follow religious observance.

7. The arrangements for contact between a child and his parents, relatives and friends.

8. Details as to the use of restraint and discipline, the circumstances in which they will be used, and who is permitted to authorise such use.

9. The procedure for dealing with any unauthorised absence of a child from the children's home.

10. The arrangements for allowing children in the children's home to raise issues, and the procedure for dealing with complaints.

11. The arrangements for the education of any child accommodated.

12. The arrangements for dealing with reviews of the placement plans of any children accommodated.

SCHEDULE 7

Regulation 3(4)

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION IN RESPECT OF AN INDEPENDENT HOSPITAL, INDEPENDENT CLINIC, OR INDEPENDENT MEDICAL AGENCY

1. The nature of the services to be provided including, in particular, details of any listed services.
2. The equipment and facilities to be provided.
3. The number of patient beds to be provided in an independent hospital or independent clinic.
4. The anticipated number of patients to be treated annually.
5. The arrangements made for the supply of blood and blood products.
6. The arrangements made for the provision of pathology and radiology services.
7. The number of medical practitioners who are to be involved in the treatment of patients.
8. Details of any services which are to be provided to children.

SCHEDULE 8

Regulation 8

PARTICULARS TO BE RECORDED IN THE REGISTERS KEPT BY THE REGULATION AND IMPROVEMENT AUTHORITY

PART I

1. The full name, address and date of birth of each person registered in respect of the establishment or agency.
2. Where the registered person is an organisation –
 - (a) the address of the registered office or principal office of the organisation;
 - (b) the full names, dates of birth and addresses of any individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of the establishment or agency.
3. The full name, address and telephone number of the establishment or agency.
4. The date of registration and of the issue of the certificate of registration and, where applicable, the date of any cancellation of registration.
5. The details of any conditions imposed on registration, any additional conditions imposed and any variation of any condition.

PART II

Residential Care Homes and Nursing Homes Register

6. In the case of the register relating to residential care homes –
 - (a) which (if any) of the following categories of residential care home or nursing homes are applicable, each category to be indicated by reference to the following code –

Residential Care Home only	RC
Nursing Home	NH
 - (b) the number of service users of each sex;
 - (c) which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code –

Old age not falling within any other category	I
Service users who are over 65 years of age but do not fall within the category of old age	E
Dementia	DE
Mental disorder excluding learning disability or dementia	MP
Mental disorder excluding learning disability or dementia – over 65 years	MP(E)
Learning disability	LD
Learning disability – over 65 years	LD (E)
Physical disability other than sensory impairment	PH
Physical disability other than sensory impairment – over 65 years	PH (E)
Past or present drug dependence	D
Past or present alcohol dependence	A
Terminally ill	TI
Sensory impairment	SI

Children's homes register

7. In the case of the register relating to children's homes –
- (a) which (if any) of the following categories of children's home are applicable, each category to be indicated by reference to the following code –

Children's Home (excluding any of the following categories in this sub-paragraph)	CH
---	----

- (b) the number of service users of each sex;
- (c) which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code –

Children (with none of the following conditions)	X
Children with emotional or behavioural difficulties	EBD
Children with physical disabilities other than sensory impairment	PD
Children with learning disabilities	LD
Children with mental disorders, excluding learning disability	MD
Children with present drug dependence	D
Children with present alcohol dependence	A
Children with sensory impairment	SI

Registers relating to independent hospitals, independent hospitals in which treatment or nursing or both are provided for persons liable to be detained under the Mental Health (Northern Ireland) Order 1986, independent clinics and independent medical agencies

8. (a) In the case of the register relating to –
- (i) independent hospitals, the code IH;
- (ii) independent clinics, the code IC;
- (iii) independent medical agencies, the code IMA.
- (a) In the case of each of the registers relating respectively to independent hospitals, independent hospitals in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health (Northern Ireland) Order 1986, independent clinics and independent medical agencies, which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code –

Acute hospitals (with overnight beds)	AH
Acute hospitals (day surgery only)	AH(DS)

Mental health treatment establishments, not including those where people are liable to be detained	MH
Mental health establishments taking people liable to be detained	MH(D)
Hospices for adults	H(A)
Hospices for children	H(C)
Maternity hospitals/clinics	MAT
Prescribed techniques or prescribed technology: establishments using Class 3B or Class 4 lasers	PT(L)
Prescribed techniques or prescribed technology: establishments using intense light sources	PT(IL)
Prescribed techniques or prescribed technology: establishments providing dialysis	PT(DL)
Prescribed techniques or prescribed technology: establishments using endoscopy	PT(E)
Prescribed techniques or prescribed technology: establishments providing in vitro fertilisation	PT(IVF)
Prescribed techniques or prescribed technology: establishments providing hyperbaric oxygen treatment	PT(HBO)
Private doctors: walk-in medical centres	PD(M)
Private doctors (other)	PD
Private doctors: independent medical agencies	PD(IMA)

Nursing Agencies

9. In the case of the register relating to –
 - (a) nurses agencies, the code NA.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations are made under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (“the Order”) and apply to Northern Ireland only. Part II of the Order establishes, the Regulation and Improvement Authority. Part III provides for the registration and inspection by the Regulation and Improvement Authority of establishments and agencies. Article 8(1) and (2) of the Order has been commenced only in so far as it relates to:

Residential Care homes
Childrens Residential Care Homes
Nursing Homes
Nursing Agencies
Indepent Hospitals, Clinics and Medical Agencies

The relevant provisions of the Order in relation to other establishments and agencies will come into force at a later stage.

Under Part III of the Order, the Regulation and Improvement Authority has the function of granting or refusing applications for registration under the Order. It may grant registration subject to conditions and may vary or remove any condition or impose an additional condition. It also has power to cancel registration.

Regulations 3 and 4 of, and Schedules 1 to 8 to, these Regulations specify the information and documents that are to be provided by an applicant for registration.

Regulation 5 requires the responsible person to attend an interview. Regulations 6 and 7 require the applicant to give notice of certain changes that take place, or details of staff engaged, after the application for registration is made and before it is determined.

Regulation 8 requires the Regulation and Improvement Authority to keep a register in respect of each description of establishment or agency. It provides, together with Schedule 8 for the information that each register is to contain.

Regulation 9 specifies the particulars that any certificate of registration is to contain.

Regulation 10 requires a person who is registered in respect of an establishment or agency to return the certificate to the Regulation and Improvement Authority if the registration is cancelled. Failure to comply with that requirement is an offence under regulation 11.

Regulation 12 makes provision in respect of an application by the registered person to apply for the variation or removal of a condition in relation to his registration.

Regulation 13 requires the registered person to report the relevant circumstances to the Regulation and Improvement Authority if it appears that the establishment or agency is likely to cease to be financially viable.

Regulation 14 specifies certain grounds on which the Regulation and Improvement Authority may cancel a person’s registration. Other grounds on which registration may be cancelled are specified by Article 15 of the Order.

Regulation 15 provides for the registered person to apply for his registration to be cancelled.

© Crown Copyright 2005

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1940. C2. 4/05. Gp. 130. 14567.

£3.50

ISBN 0-337-95934-X



9 780337 959349