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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 234**

**The Day Care Setting Regulations (Northern Ireland) 2007**

**PART V**

**MANAGEMENT**

**Financial position**

**27.**—(1) The registered provider shall carry on the day care setting in such a manner as is likely to ensure that the day care setting will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall, if the Regulation and Improvement Authority so requests, provide such information and documents to the Regulation and Improvement Authority as it may require for the purpose of considering the financial viability of the day care setting, including—

- (a) the annual accounts of the day care setting certified by an accountant;
  - (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
  - (c) information as to the financing and financial resources of the day care setting;
  - (d) where the registered provider is a company, information as to any of its associated companies;
  - (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the day care setting in respect of death, injury, public liability, damage or other loss.
- (3) The registered person shall—
- (a) ensure that adequate accounts are maintained in respect of the day care setting and kept up to date;
  - (b) ensure that the accounts give details of the running costs of the day care setting, including rent, payments under a mortgage and expenditure on food, heating and salaries and wages of staff; and
  - (c) supply a copy of the accounts to the Regulation and Improvement Authority at its request.

(4) In this regulation a company is an associated company of another if one of them has control of the other or both are under the control of the same person.

**Visits by registered provider**

**28.**—(1) Where the registered provider is an individual who does not manage the day care setting himself, he shall visit the day care setting in accordance with this regulation.

(2) Where the registered provider is an organisation or partnership, the day care setting shall be visited in accordance with this regulation by—

- (a) the responsible individual or one of the partners, as the case may be;

- (b) a director or other person responsible for the management of the organisation or partnership; or
  - (c) an employee of the organisation or the partnership who is not directly concerned with the conduct of the day care setting.
- (3) Visits under paragraph (1) or (2) shall take place at least once a month or as agreed with the Regulation and Improvement Authority and may be unannounced.
- (4) The person carrying out the visit shall—
- (a) interview, with their consent and in private, such of the service users and their representatives and persons employed in the day care setting as appears necessary in order to form an opinion of the standard of care provided in the day care setting;
  - (b) inspect the premises of the day care setting, its record of events and records of any complaints; and
  - (c) prepare a written report on the conduct of the day care setting.
- (5) The registered provider shall maintain a copy of the report required to be made under paragraph (4)(c) in the day care setting and make it available on request to—
- (a) the Regulation and Improvement Authority;
  - (b) the registered manager;
  - (c) a service user or his representative;
  - (d) an officer of the HSS trust in the area of which the day care setting is situated;
  - (e) in the case of a visit under paragraph (2)—
    - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
    - (ii) where the registered provider is a partnership, to each of the partners.