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## 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”). Part II of the Order establishes the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority (“the Regulation and Improvement Authority”) and Part III provides for the registration and inspection of establishments and agencies, including domiciliary care agencies, by the Regulation and Improvement Authority. It also provides powers to make regulations governing the conduct of establishments and agencies.

Regulation 3 deals with prescribed services. Regulation 4 excepts certain undertakings from being a domiciliary care agency.

Regulation 5, provides that each agency must prepare a statement of purpose in relation to the matters set out in Schedule 1 and a service user’s guide to the agency (regulation 6). The agency must be carried on in a manner which is consistent with the statement of purpose.

Regulations 8 to 12 make provision about the fitness of the persons carrying on and managing an agency and require satisfactory information to be obtained in relation to the matters specified in Schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 8). Regulation 9 prescribes the circumstances where a manager must be appointed in respect of the agency, and regulation 10 makes provision concerning the fitness of the manager. Regulation 11 imposes general requirements in relation to the proper conduct of the agency, and the need for appropriate training.

Regulations 13 to 30 make provision in relation to the conduct of agencies, in particular about the quality of services to be provided by an agency. Regulation 13 makes provision about the fitness of domiciliary care workers and requires satisfactory information to be obtained in relation to the matters specified in Schedule 3. Regulations 14 and 15 set out the arrangements that must be made by a registered person relating to the conduct of an agency generally and also the procedures which must be implemented in circumstances where domiciliary care workers are supplied to persons by an agency acting otherwise than as an employment agency. In addition, provision is made as to staffing (regulation 16), the staff handbook (regulation 17), the provision of information to service users (regulation 18), the disclosure of information (regulation 19), the identification of domiciliary care workers (regulation 20), record keeping (regulation 21 and Schedule 4) and complaints (regulation 22). Regulations 23 and 24 deal with evaluating of the quality of service provision, and the assessment of the quality of services. Provision is also made for an improvement plan. Provision is also made about the suitability of premises (regulation 25) and the financial management of the agency (regulation 26). Regulations 27 to 30 deal with the giving of notices to the Regulation and Improvement Authority.

Regulations 31 to 32 deal with miscellaneous matters. In particular, regulation 32 provides for offences. A breach of regulations 5 to 7 and 12 to 28 may found an offence on the part of the registered person. However, no prosecution may be brought unless the Regulation and Improvement Authority has given notice which sets out in what respect it is alleged he is not complying with a regulation, and what action (if any), and by when, the Regulation and Improvement Authority considers is necessary in order to comply with the regulation.