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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 236**

**The Residential Family Centres  
Regulations (Northern Ireland) 2007**

**PART I  
GENERAL**

**Citation, commencement and extent**

1. These Regulations may be cited as the Residential Family Centres 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—

[<sup>F1</sup>“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;]

“child protection enquiry” means any enquiries carried out by an HSS trust in the exercise of any of its functions conferred by or under the Children Order relating to the protection of children;

[<sup>F2</sup>“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 1989;]

“family” means a child and his parent accommodated or to be accommodated together in a residential family centre;

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

“health care professional” has the same meaning as in Article 15C of the Health and Personal Social Services (Northern Ireland) Order 1972(1);

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

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(1) S.I.1972/1265 (N.I. 14) Article 15C was inserted by Article 6(3) of the Primary Medical Services (Northern Ireland) Order 2004 (S.I. 2004/311 (N.I. 2))

“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;

“placement plan” means the written plan prepared in accordance with regulation 15;

“placing authority” means, in relation to a family, the HSS trust or other body that has arranged for the family to be accommodated in a residential family centre;

[<sup>F3</sup>“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;]

“relative” in relation to any person, means—

- (a) the person’s spouse or civil partner;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his 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 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 or wife and references to “civil partner” include a former civil partner and a person who is living with the person as if they were civil partners;

[<sup>F3</sup>“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 resident, a person other than the registered person or a person employed by the residential family centre, who with the registered person’s express or implied consent takes an interest in the resident’s care and welfare;

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

“registered person”, in relation to a residential family centre, means any person who is the registered provider or the registered manager of the residential family centre;

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

“resident” means a person for whom accommodation with board and personal care is provided for the purposes of the residential family centre;

“responsible individual” shall be construed in accordance with regulation 7 (2)(c)(i); and

“social care worker” has the same meaning as in section 2(2) of the Health and Personal Social Services Act (Northern Ireland) 2001(2);

“statement of purpose” means the written statement compiled in accordance with regulation 3(1).

(2) In these Regulations, save where otherwise provided, references to a child do not include a parent accommodated in a residential family centre who is under the age of 18.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment and whether under a contract of service or a contract for services and allowing a person to work as a volunteer.

<p><b>F1</b> Words in <a href="#">reg. 2(1)</a> inserted (21.4.2015) by <a href="#">The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159)</a>, art. 1, <a href="#">Sch. para. 43(2)</a></p>
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- 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. 50\(2\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (27.10.2017) by [The Northern Ireland Social Care Council \(Social Care Workers Prohibition\) and Fitness of Workers \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/207\)](#), regs. 1(1), [13\(2\)](#)

**Commencement Information**

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

**Statement of purpose**

3.—(1) The registered person shall compile in relation to the residential family centre a written statement which shall consist of—

- (a) a statement of the aims and objectives of the residential family centre;
- (b) a statement as to the facilities and services which are to be provided by the registered person for residents; and
- (c) a statement as to the matters listed in Schedule 1.

(2) The registered person shall provide a copy of the statement of purpose to the [F4RQIA] and shall make a copy of it available for inspection by every resident and any representative of a resident.

(3) Nothing in regulation 16(1) or 25(1) shall require or authorise the registered person to contravene or fail 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**

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

**Resident's guide**

4.—(1) The registered person shall produce a written guide to the residential family centre which shall include—

- (a) a summary of the statement of purpose including the philosophy of care;
- (b) the terms and conditions in respect of accommodation to be provided for residents, including as to the amount and method of payment of fees;
- (c) a standard form of contract for the provision of services and facilities by the registered provider to residents;
- (d) a summary of the complaints procedure established under regulation 23;
- (e) the address and telephone number of the [F4RQIA].

(2) The registered person shall also provide, on request, access to a copy of the most recent inspection report and information on how to access earlier inspection reports.

(3) The registered person shall supply a copy of the resident's guide to the [F4RQIA] and each resident or their representative.

(4) Where a HSS trust has made arrangements for the provision of accommodation with board and personal care to the resident at the centre, the registered person shall supply to the resident a copy of the agreement specifying the arrangements made.

**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**

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

**Information about fees**

- 5.—(1) The registered person shall provide each resident with a statement specifying—
- (a) the fees payable by or in respect of the resident for the provision to the resident of any of the following services—
    - (i) residential accommodation with board; and
    - (ii) personal care;
 and, except where a single fee is payable for those services, the services to which each fee relates;
  - (b) the method of payment of the fees and the person by whom the fees are payable.
- (2) The registered person shall notify the resident at least 28 days in advance of—
- (a) any increase in the fees referred to in paragraph (1)(a) and payable by or in respect of the resident;
  - (b) any variation in the matters referred to in paragraph (1)(b).
- (3) Where a HSS trust has made arrangements for the provision of residential accommodation with board and personal care at the residential family centre and the charge made exceeds the fee paid, the registered person shall in the individual written agreement—
- (a) record the reason for the additional charge;
  - (b) by whom it will be paid; and
  - (c) list the services, if any, provided for it.

**Commencement Information**

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

**Review of statement of purpose and resident's guide**

6. The registered person shall—
- (a) keep under review and, where appropriate, revise the statement of purpose and the resident's guide; and
  - (b) notify the <sup>F4</sup>RQIA and residents of any such 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**

**I6** Reg. 6 in operation at 30.4.2007, see **reg. 1**

**PART II**  
**REGISTERED PERSONS**

**Fitness of registered provider**

- 7.—(1) A person shall not carry on a residential family centre unless he is fit to do so.
- (2) A person is not fit to carry on a residential family centre unless the person—
- (a) is an individual who carries on the residential family centre—
    - (i) otherwise than in partnership with others, and satisfies the requirements set out in paragraph (3);
    - (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);
  - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
  - (c) is an organisation and—
    - (i) the organisation has given notice to the [<sup>F4</sup>RQIA] of the name, address and position in the organisation of an individual who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the residential family centre; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the residential family centre; and
  - (c) full and satisfactory information is available in relation to him in respect of the matters specified in Schedule 2.
- (4) A person shall not carry on a residential family centre if—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - [<sup>F5</sup>(ab) he is the subject of a bankruptcy restrictions order; or]
  - [<sup>F6</sup>(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or]
  - (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

**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))

**F5** [Reg. 7\(4\)\(ab\)](#) 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. 43(3)**

**F6** [Reg. 7\(4\)\(ac\)](#) 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. 50(3)**

#### Commencement Information

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

#### Appointment of registered manager

**8.—**(1) The registered provider shall appoint an individual to manage a residential family centre if—

- (a) there is no registered manager in respect of the residential family centre; and
- (b) the registered provider—
  - (i) is an organisation or a partnership;
  - (ii) is not a fit person to manage a residential family centre; or
  - (iii) is not, or does not intend to be, managing the residential family centre himself.

(2) Where the registered provider appoints a person to manage the residential family centre, he shall forthwith give notice to the <sup>[F4]</sup>RQIA of—

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

**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

**I8** Reg. 8 in operation at 30.4.2007, see [reg. 1](#)

#### Fitness of registered manager

**9.—**(1) A person shall not manage a residential family centre unless he is fit to do so.

(2) A person is not fit to manage a residential family centre unless—

- (a) he is of integrity and good character;
  - (b) having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents—
    - (i) he has the qualifications, skills and experience necessary to manage the centre; and
    - (ii) he is physically and mentally fit to manage the centre;
- <sup>[F7]</sup>(iii) subject to head (iv), he is registered in the relevant part of the register;
- (iv) head (iii) does not apply to a person who, in order to perform the duties for which the person is so employed is required by any statutory provision, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered.]

- (c) full and satisfactory information is available in relation to him in respect of the matters specified in Schedule 2.

**F7** [Reg. 9\(2\)\(b\)\(iii\)\(iv\)](#) added (27.10.2017) by [The Northern Ireland Social Care Council \(Social Care Workers Prohibition\) and Fitness of Workers \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/207\)](#), [regs. 1\(1\)](#), [13\(3\)](#)

**Commencement Information**

**I9** Reg. 9 in operation at 30.4.2007, see [reg. 1](#)

**Registered person — general requirements**

**10.**—(1) The registered provider and the registered manager shall, having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents, carry on or manage the centre (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is—

- (a) an individual, he shall undertake;
- (b) an organisation, it shall ensure that the responsible individual undertakes;
- (c) a partnership, it shall ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the residential family centre.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the residential family centre.

**Commencement Information**

**I10** Reg. 10 in operation at 30.4.2007, see [reg. 1](#)

**Registered person — notification of offences**

**11.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in Northern Ireland or elsewhere, he shall forthwith give notice in writing to the [<sup>F4</sup>RQIA] of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.

**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**

**I11** Reg. 11 in operation at 30.4.2007, see [reg. 1](#)

## PART III

### CONDUCT OF RESIDENTIAL FAMILY CENTRES

**Health and welfare of residents**

**12.**—(1) The registered person shall ensure that the residential family centre is conducted so as to—

- (a) promote and make proper provision for the health and welfare of residents;

- (b) make such provision for the care, treatment, education and supervision of residents as is appropriate to their age and needs.
- (2) The registered person shall, for the purpose of providing care to residents, and making proper provision for their health and welfare, so far as is practicable, ascertain and take into account their wishes and feelings.
- (3) The registered person shall make suitable arrangements to ensure that the residential family centre is conducted—
  - (a) in a manner which respects the privacy and dignity of residents; and
  - (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of residents.
- (4) In complying with this regulation, the registered person shall, wherever there is a conflict between the interests of the members of a family, treat the welfare of the child in that family as paramount.

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**Commencement Information**

**I12** Reg. 12 in operation at 30.4.2007, see [reg. 1](#)

**Further requirements as to health and welfare**

- 13.**—(1) The registered person shall make arrangements for residents—
- (a) to be registered with a general medical practitioner of their choice; and
  - (b) to receive where necessary, treatment, advice and other services from any health care professional and/or social care worker.
- (2) The registered person shall make suitable arrangements for the ordering, storage, recording, handling, safe keeping, safe administration and disposal of medicines used in or for the purposes of the residential family centre to ensure that—
- (a) any medicine which is kept in a residential family centre is stored in a secure place;
  - (b) medicine which is prescribed is administered as prescribed to the resident for whom it is prescribed, and to no other resident; and
  - (c) a written record is kept of the administration of any medicine to a resident.
- (3) Paragraph (2) does not apply to medicine which—
- (a) is stored by the individual for whom it is provided in such a way that others are prevented from using it; and
  - (b) may be safely self-administered by that individual.
- (4) In this regulation, “prescribed” means—
- (a) ordered for a resident for provision to him under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972(3); or
  - (b) prescribed for a resident under [<sup>F8</sup>regulations 214 or 215 of the Human Medicines Regulations 2012].
- (5) The registered person shall make suitable arrangements to minimise the risk of infection and toxic conditions and the spread of infection between residents and staff.
- (6) The registered person shall ensure as far as reasonably practicable that—



- (a) all parts of the residential family centre to which residents have access are free from hazards to their safety;
- (b) any activities in which residents participate, are free from avoidable risks;
- (c) unnecessary risks to the health, welfare or safety of residents are identified and so far as possible eliminated; and
- (d) suitable arrangements for the training of persons employed in first aid are made.

(7) The registered person shall make arrangements, by training persons employed at the residential family centre or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.

(8) The registered person shall ensure that no resident is subject to restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other resident and there are exceptional circumstances.

(9) On any occasion on which a resident is subject to restraint, the registered person shall record the circumstances, including the nature of the restraint. These details should also be reported to the [F<sup>4</sup>RQIA] as soon as is practicable.

**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\(2\)](#))

**F8** Words in [reg. 13\(4\)\(b\)](#) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), [reg. 1\(2\)](#), **Sch. 34 para. 120** (with [Sch. 32](#))

#### **Commencement Information**

**I13** Reg. 13 in operation at 30.4.2007, see [reg. 1](#)

### **Arrangements for the protection of children**

**14.—(1)** The registered person shall prepare and implement a written child protection policy which—

- (a) is intended to safeguard children accommodated in the residential family centre from abuse or neglect; and
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) must in particular provide for—
- (a) liaison and co-operation with any HSS trust which is making child protection enquiries in relation to any child accommodated in the residential family centre;
  - (b) the prompt referral to the HSS trust in whose area the residential family centre is situated, of any allegations of abuse or neglect affecting any child accommodated in the residential family centre;
  - (c) notification (in accordance with regulation 30) of the instigation and outcome of any child protection enquiries involving any child accommodated in the residential family centre, to the [F<sup>4</sup>RQIA] and the child's HSS trust ;
  - (d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;
  - (e) consideration to be given in each case to the measures which may be necessary to protect children in the residential family centre following an allegation of abuse or neglect;
  - (f) a requirement for persons working at the residential family centre to report any concerns about the welfare or safety of any child accommodated in the residential family centre to one of the following—

- (i) the registered person;
  - (ii) a police officer;
  - (iii) an officer of the [F4RQIA] ;
  - (iv) an officer of the HSS trust in whose area the residential family centre is situated; or
  - (v) an officer of the National Society for the Prevention of Cruelty to Children;
- (g) arrangements to be made for residents and persons working at the residential family centre, to have access at all times and in an appropriate form, to information which would enable them to contact the HSS trust in whose area the residential family centre is situated, or the [F4RQIA], concerning the welfare or safety of children accommodated in the residential family centre.
- (3) In this regulation—
- (a) “child protection enquiries” means any enquiries carried out by a HSS trust in the exercise of any of its functions conferred by or under the Children Order relating to the protection of children; and
  - (b) “child” also includes any parent who is under the age of 18.
- (4) The registered person shall prepare and implement a written policy for the prevention of bullying in the residential family centre which includes, in particular, a procedure for dealing with an allegation of bullying.

**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

**I14** Reg. 14 in operation at 30.4.2007, see [reg. 1](#)

### Placements

**15.—(1)** The registered person shall, before providing a family with accommodation in the residential family centre, or if that is not reasonably practicable, as soon as possible thereafter, draw up in consultation with the placing authority a written plan (in these Regulations referred to as “the placement plan”) setting out, in particular—

- (a) the facilities and services to be provided during the course of the placement;
  - (b) the objectives and intended outcome of the placement.
- (2) The registered person shall keep under review and revise the placement plan as necessary.
- (3) In preparing or reviewing the placement plan the registered person shall, so far as practicable—
- (a) seek and take account of the views of the members of the family;
  - (b) take account of any relevant assessment or other report relating to any member of the family which may be provided by the placing authority.
- (4) The registered person shall supply a copy of the placement plan and any revision of it to the placing authority and to the parent within the family to which it relates.

#### Commencement Information

**I15** Reg. 15 in operation at 30.4.2007, see [reg. 1](#)

## Facilities and services

16.—(1) Subject to regulation 3(3), the registered person shall provide facilities and services to residents in accordance with the statement of purpose.

(2) The registered person shall having regard to the size of the residential family centre and the number and needs of residents—

- (a) provide telephone facilities which are suitable for the needs of residents, and make arrangements to enable residents to use such facilities in private;
- (b) provide in rooms occupied by residents adequate furniture, bedding and other furnishings, including curtains and floor coverings, and equipment suitable to the needs of residents and screens where necessary;
- (c) permit residents, so far as it is practicable to do so, and subject to fire and safety requirements, to bring their own furniture and furnishings into the rooms they occupy;
- (d) provide adequate laundry facilities for residents to wash, dry and iron clothes and linen for their families;
- (e) so far as it is reasonable and practicable to do so, provide adequate facilities for residents to prepare their own food and ensure that such facilities are safe for use by residents;
- (f) so far as it is reasonable and practicable to do so, provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils and adequate facilities for the preparation and storage of food;
- (g) after consultation with the environmental health department of the district council for the district in which the centre is situated, make suitable arrangements for maintaining satisfactory standards of hygiene in the centre;
- (h) provide a place where the money and valuables of residents may be deposited for safe keeping, and make arrangements for residents to acknowledge in writing the deposit and return to them of any money or valuables.

### Commencement Information

**I16** Reg. 16 in operation at 30.4.2007, see [reg. 1](#)

## Staffing of the residential family centre

17.—(1) The registered person shall, having regard to the size of the residential family centre, the statement of purpose and the number and needs of residents—

- (a) ensure that at all times suitably qualified, competent and experienced persons are working at the centre in such numbers as are appropriate for the health and welfare of residents; and
- (b) ensure that the employment of any persons on a temporary basis at the centre will not prevent residents from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person shall ensure that persons working at the centre are appropriately supervised.

(3) The registered manager shall carry out a competency and a capability assessment with any person who is given the responsibility of being in charge of the centre for any period of time in his absence.

### Commencement Information

**I17** Reg. 17 in operation at 30.4.2007, see [reg. 1](#)

### Fitness of workers

**18.**—(1) The registered person shall not employ a person to work at the residential family centre unless—

- (a) the person is fit to work at the residential family centre;
- (b) subject to paragraph (4), he has obtained in respect of that person the information and documents specified in Schedule 2; and
- (c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person.

[<sup>F9</sup>but this is subject to paragraphs (8) to (10).]

(2) This paragraph applies to any person who is employed to work at the residential family centre by a person ( the “employer”) other than the registered person in a position in which he may in the course of his duties, have regular contact with residents.

(3) The registered person shall not allow a person to whom paragraph (2) applies to work at the residential family centre unless—

- (a) the person is fit to work at the residential family centre;
- (b) the employer has obtained in respect of that person the information and documents specified in Schedule 2 and has confirmed in writing to the registered person that he has done so; and
- (c) the employer is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied [<sup>F10</sup>(but this is subject to paragraphs (8) to (10))].

(4) For the purposes of paragraph (1) and (3), a person is not fit to work at a residential family centre unless—

- (a) he is of integrity and good character;
- (b) he has the qualifications or training suitable to the work that he is to perform, and the skills and experience necessary for such work;
- (c) he is physically and mentally fit for the work he is to perform at the residential family centre; <sup>F11</sup>...
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2 [<sup>F12</sup>;
- [<sup>F13</sup>(e) subject to sub-paragraphs (f) and (g), he is registered in the relevant part of the register;
- (f) sub-paragraph (e) does not apply to a person who, in order to perform the duties for which the person is so employed is required by any statutory provision, to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered; and
- (g) sub-paragraph (e) does not apply to persons allowed to work as volunteers.]

(5) The registered person shall ensure that all health care professionals working at the residential family centre are covered by appropriate professional indemnity.

(6) Where the following conditions apply, the registered person may permit a person to start work at the residential family centre notwithstanding paragraph (4)(d)—

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters specified in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters specified in paragraphs 3 to 6 of Schedule 2 are incomplete;
- (b) full and satisfactory information in respect of that person has been obtained in relation to the matters specified in paragraphs 1 and 2 of Schedule 2;
- (c) the registered person considers that the circumstances are exceptional; and
- (d) pending receipt of, and satisfying himself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his duties.

(7) The registered person shall take reasonable steps to ensure that any person working at the residential family centre who is not employed by him and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

[<sup>F14</sup> (8) Where the conditions set out in paragraph (9) are satisfied and the registered person complied with the requirements set out in paragraph (10), the registered person may—

- (a) employ a person (“P”) to work at a residential family centre,
- (b) allow a person to whom paragraph (2) applies (“P”) to work at a residential family centre.

even though the information and documents mentioned in paragraphs 2 to 7 of Schedule 2 are not available.

(9) The conditions are that the registered person, in a case to which paragraph (8)(a) applies, or the employer, in a case to which paragraph (8)(b) applies—

- (a) has applied for whichever of the following certificates would be required to be obtained in respect of P under paragraph 2 of Schedule 2 in the absence of paragraph (8)—
  - (i) a criminal record certificate pursuant to section 113A of the Police Act 1997, or
  - (ii) an enhanced criminal record certificate pursuant to section 113B of that Act;
- (b) has requested the information and documents mentioned in paragraphs 3 to 7 of Schedule 2; and
- (c) has obtained confirmation in writing from the Department of Justice that P is not included in either of the barred lists (children’s and adults’) maintained under Article 6(1) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

(10) The requirements are that the registered person must—

- (a) ensure that, so far as is reasonably practicable, an appropriately qualified and experienced member of staff supervises P when P is on duty until the information and documents mentioned in paragraphs 2 to 7 of Schedule 2 are available; and
- (b) ensure that P does not escort a child away from the residential family centre unless accompanied by the supervisory staff member or another appropriately qualified and experienced member of staff.]

- |            |   |
|------------|---|
| <b>F9</b>  | Words in <a href="#">reg. 18(1)</a> inserted (2.4.2020) by <a href="#">The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 (S.R. 2020/60)</a> , regs. 1, <b>8(2)</b>  |
| <b>F10</b> | Words in <a href="#">reg. 18(3)(c)</a> inserted (2.4.2020) by <a href="#">The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 (S.R. 2020/60)</a> , regs. 1, <b>8(3)</b>   |
| <b>F11</b> | Word in <a href="#">reg. 18(4)(c)</a> omitted (27.10.2017) by virtue of <a href="#">The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207)</a> , regs. 1(1), <b>13(4)(a)</b> |

- F12** Full stop in reg. 18(4)(d) substituted for semicolon (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207), regs. 1(1), **13(4)(b)**
- F13** Reg. 18(4)(e)-(g) added (27.10.2017) by The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/207), regs. 1(1), **13(4)(c)**
- F14** Reg. 18(8)-(10) inserted (2.4.2020) by The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020 (S.R. 2020/60), regs. 1, **8(4)**

#### Commencement Information

- I18** Reg. 18 in operation at 30.4.2007, see **reg. 1**

### Employment of staff

- 19.**—(1) The registered person shall—
- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
  - (b) provide all employees with a job description outlining their responsibilities.
- (2) The registered person shall operate a disciplinary procedure which, in particular—
- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children accommodated in the residential family centre;
  - (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse of a child accommodated in the residential family centre to an appropriate person is a ground on which disciplinary proceedings may be instituted.
- (3) For the purposes of paragraph (2)(b), an appropriate person is—
- (a) the registered person;
  - (b) an officer of the [F4RQIA];
  - (c) a police officer;
  - (d) an officer of the HSS trust in whose area the residential family centre is situated; or
  - (e) an officer of the National Society for the Prevention of Cruelty to Children.
- (4) In paragraph (2), “child” also includes a parent who is under the age of 18.
- (5) The registered person shall ensure that all persons employed by him—
- (a) receive appropriate training, supervision and appraisal; and
  - (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

- 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

- I19** Reg. 19 in operation at 30.4.2007, see **reg. 1**

### Restrictions on acting for residents

- 20.**—(1) Subject to paragraph (2), the registered person shall not pay money belonging to any resident into a bank account unless—

- (a) the account is in the name of the resident to which the money belongs; and
- (b) the account is not used by the registered person in connection with the carrying on or management of the residential family centre.

(2) Paragraph (1) does not apply to money which is paid to the registered person in respect of charges payable by a resident for accommodation or other services provided by the registered person at the centre.

(3) The registered person shall ensure a record is kept of persons working at the centre acting as the appointee or agent of a resident.

#### Commencement Information

**I20** Reg. 20 in operation at 30.4.2007, see [reg. 1](#)

### Staff views as to conduct of residential family centre

**21.**—(1) This regulation applies to any matter relating to the conduct of the centre so far as it may affect the care, safety or welfare of residents.

(2) The registered person shall make arrangements to enable staff to inform the registered person and the [F4RQIA] and the local HSS trust in the area of which the centre is situated, in confidence of their views about any matter to which this regulation applies.

**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

**I21** Reg. 21 in operation at 30.4.2007, see [reg. 1](#)

### Records

**22.**—(1) The registered person shall maintain in respect of each family accommodated at the residential family centre, a record which—

- (a) includes the information, documents and other records specified in Schedule 3 relating to the members of the family;
- (b) is retained in a place of security at the residential family centre.

(2) The registered person shall also maintain at the residential family centre the records specified in Schedule 4.

(3) The registered person shall ensure that the records referred to in paragraphs (1) and (2)—

- (a) are kept up to date;
- (b) are at all times available for inspection in the residential family centre by any person authorised by the [F4RQIA] to enter and inspect the centre;
- (c) ensure that residents are aware of arrangements to access their personal records; and
- (d) shall be retained at the residential family centre for a period of not less than fifteen years from the date of the last entry.

(4) The registered person shall ensure that information about a resident's health and treatment is handled confidentially and is only disclosed to those persons who need to be aware of that information in order to treat the resident effectively or minimise any risk of the resident harming himself or another person, or for the purpose of the proper administration of the centre.

**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**

**I22** Reg. 22 in operation at 30.4.2007, see [reg. 1](#)

**Complaints**

**23.**—(1) The registered person shall establish a procedure (“the complaints procedure”) for receiving, managing and responding to complaints made to the registered person by a resident or their representative.

(2) The complaints procedure shall be appropriate to the needs of residents.

(3) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(4) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the investigative process, outcome and action (if any) that is to be taken.

(5) The registered person shall supply a written copy of the complaints procedure to every resident and to their representative.

(6) Where a written copy of the complaints procedure is to be supplied in accordance with paragraph (5) to a person who is blind or whose vision is impaired, the registered person shall so far as it is practicable to do so, supply, in addition to the written copy, a copy of the complaints procedure in a form which is suitable for that person.

(7) The written copy of the complaints procedure to be supplied in accordance with paragraph (5) shall include—

(a) the name, address and telephone number of the [F4RQIA] ; and

(b) the procedure (if any) that has been notified by the [F4RQIA] to the registered person for the making of complaints to the [F4RQIA] relating to the residential family centre.

(8) The registered person shall supply to the [F4RQIA] at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response.

**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**

**I23** Reg. 23 in operation at 30.4.2007, see [reg. 1](#)

**Guidance for social care workers, and health care professionals**

**24.** The registered person shall ensure that—

(a) the Codes of Practice for Social Care Workers and Employers of Social Care Workers and any other code prepared by the Northern Ireland Social Care Council (NISCC), a Code of Professional Conduct, Standards for Performance, Conduct and Ethics, and any other code of ethics or professional practice prepared by the Nursing and Midwifery Council or a body which is responsible for regulation of members of a health care profession is made available, as appropriate, in the residential family centre;



- (b) staff are supported to meet and maintain the standards and requirements of their relevant codes of practice;
- (c) appropriate action is taken when staff do not meet the expected standards of conduct in line with the relevant codes of practice.

**Commencement Information**

**I24** Reg. 24 in operation at 30.4.2007, see [reg. 1](#)

## PART IV PREMISES

### **Fitness of premises**

**25.**—(1) Subject to regulation 3(3), the registered person shall not use premises for the purposes of a residential family centre unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall, having regard to the number and needs of the residents, ensure that—

- (a) the physical design and layout of the premises to be used as the residential family centre meets the needs of the families;
- (b) the premises to be used as the residential family centre are of sound construction and kept in a good state of repair externally and internally;
- (c) equipment provided at the residential family centre for use by residents or persons who work at the centre is in good working order, properly maintained in accordance with the manufacturer's guidance and suitable for the purpose for which it is to be used;
- (d) all parts of the residential family centre are kept clean and reasonably decorated;
- (e) adequate private and communal accommodation is provided for residents;
- (f) the size and layout of rooms occupied or used by residents are suitable for their needs, and each family is provided with at least one room for its exclusive use;
- (g) there is adequate seating, recreational and dining space provided separately from the resident's private accommodation;
- (h) the communal space provided for residents is suitable for the provision of social, cultural and religious activities appropriate to the circumstances of residents;
- (i) suitable facilities are provided for residents to receive visitors whether in communal areas or in private as the resident so chooses;
- (j) there are provided at appropriate places in the premises sufficient numbers of lavatories, wash-basins, baths and showers fitted with a hot and cold water supply;
- (k) suitable storage facilities are provided for the use of residents;
- (l) suitable adaptations are made, and such support, equipment and facilities, including passenger lifts, as may be reasonably required are provided to meet the needs arising from the disability of any residents;
- (m) secure and safe outdoor space with seating, accessible to all residents is provided and appropriately maintained;

- (n) adequate ventilation, heating, cooling and lighting is provided in all parts of the residential family centre which are used by residents;
  - (o) the engineering services are maintained in good working order;
  - (p) any vehicle used by the residential family centre for transporting residents is suitable for that purpose and maintained in good working order;
  - (q) provision is made for the residential family centre to operate in the event of the breakdown of essential utility services; and
  - (r) a risk assessment to manage health and safety is carried out and updated when necessary.
- (3) The registered person shall having regard for the number of staff employed and the duties they undertake, provide for persons working at the residential family centre—
- (a) suitable facilities and accommodation, including—
    - (i) facilities for the purpose of changing; and
    - (ii) storage facilities.
  - (b) sleeping accommodation where the provision of such accommodation is needed for persons working at the residential family centre in connection with their work.

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**Commencement Information**

**I25** Reg. 25 in operation at 30.4.2007, see [reg. 1](#)

**Fire precautions**

- 26.**—(1) The registered person shall—
- (a) have in place a current written risk assessment and fire management plan that is revised and actioned when necessary or whenever the fire risk has changed;
  - (b) take adequate precautions against the risk of fire, including the provision of suitable fire equipment;
  - (c) provide adequate means of escape;
  - (d) make adequate arrangements—
    - (i) for detecting, containing and extinguishing fires;
    - (ii) for giving warnings of fires;
    - (iii) for the evacuation, in the event of fire, of all persons in the residential family centre and safe placement of residents;
    - (iv) for the maintenance of all fire equipment; and
    - (v) for reviewing fire precautions, and testing fire equipment, at suitable intervals;
  - (e) make arrangements for persons working at the centre to receive suitable training, from a competent person, in fire prevention; and
  - (f) to ensure, by means of fire drills and practices at suitable intervals, that the persons working at the centre and, so far as practicable, residents, are aware of the procedure to be followed in case of fire, including the procedure for saving life.
- (2) The registered person shall undertake appropriate consultation with the Northern Ireland Fire and Rescue Board<sup>(4)</sup>.

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(4) See article 3 of the Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9))

**Commencement Information**

**I26** Reg. 26 in operation at 30.4.2007, see [reg. 1](#)

## PART V MANAGEMENT

### Review of quality of care

**27.**—(1) The registered person shall introduce and ensure systems are maintained for reviewing at appropriate intervals the quality of care and other service provision in or for the purposes of the family residential centre and that any such review is undertaken no less than annually.

(2) The registered person shall supply to the [F<sup>4</sup>RQIA] a report in respect of any review conducted by him for the purpose of paragraph (1) and make a copy of the report available to residents.

(3) The system referred to in paragraph (1) shall provide for consultation with residents and their representatives.

**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**

**I27** Reg. 27 in operation at 30.4.2007, see [reg. 1](#)

### Financial position

**28.**—(1) The registered provider shall carry on the residential family centre in such a manner as is likely to ensure that the centre 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 [F<sup>4</sup>RQIA] so requests, provide such information and documents to the [F<sup>4</sup>RQIA] as it may require for the purpose of considering the financial viability of the centre, including—

- (a) the annual accounts of the centre 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 residential family centre;
  - (d) where the registered person 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 residential family centre 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 residential family centre and kept up to date;

- (b) ensure that the accounts give details of the running costs of the residential family centre, 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 [F4RQIA] 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.

**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**

**I28** Reg. 28 in operation at 30.4.2007, see [reg. 1](#)

**Visits by registered provider**

- 29.**—(1) Where the registered provider is an individual, but who does not manage the residential family centre himself, he shall visit the residential family centre in accordance with this regulation.
- (2) Where the registered provider is an organisation or a partnership, the residential family centre shall be visited in accordance with this regulation by—
- (a) the responsible individual or one of the partners, as the case may be;
  - (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
  - (c) an employee of the organisation or partnership who is not directly concerned with the conduct of the residential family centre.
- (3) Visits under paragraph (1) or (2) shall take place at least once a month or as agreed with the [F4RQIA] and shall be unannounced.
- (4) The person carrying out the visit shall—
- (a) interview, with their consent and in private, such of the residents and their representatives and persons working at the centre as appears necessary in order to form an opinion of the standard provided in the residential family centre;
  - (b) inspect the premises of the residential family centre, its record of events and records of any complaints; and
  - (c) prepare a written report on the conduct of the residential family centre.
- (5) The registered provider shall maintain a copy of the report required to be made under paragraph 4(c) in the centre and make it available on request to—
- (a) the [F4RQIA];
  - (b) the registered manager;
  - (c) the resident or their representative; and
  - (d) an officer of the HSS trust in the area of which the residential family centre is situated.
- (6) In the case of a visit under paragraph (2)—
- (a) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
  - (b) where the registered provider is a partnership, to each of the partners.

**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**

**I29** Reg. 29 in operation at 30.4.2007, see [reg. 1](#)

## PART VI MISCELLANEOUS

### Notifiable events

**30.**—(1) If, in relation to a residential family centre, any of the events listed in column 1 of the table in Schedule 5 takes place, the registered person shall without delay notify the persons indicated in respect of the event in column 2 of the table.

(2) The registered person shall without delay notify the parent accommodated in the residential family centre with a child of any significant incident affecting the child's welfare unless to do so is not reasonably practicable or would place the child's welfare at risk.

(3) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

(4) References in column 1 of the table in Schedule 5 to a centre shall be construed as references to a residential family centre.

(5) References in column 2 of the table to a HSS trust shall be construed as references to the HSS trust in whose area the residential family centre is situated.

**Commencement Information**

**I30** Reg. 30 in operation at 30.4.2007, see [reg. 1](#)

### Notice of absence

**31.**—(1) Where—

- (a) the registered provider, if he is an individual who manages the residential family centre himself; or
- (b) the registered manager,

proposes to be absent from the residential family centre for a continuous period of 28 days or more, the registered provider shall give notice in writing to the [F<sup>4</sup>RQIA] of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than 28 days before and inclusive of the date on which the proposed absence commences or within such shorter period as may be agreed with the [F<sup>4</sup>RQIA] and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the residential family centre during that absence;
- (d) the name, address and qualifications of the person who will be managing the residential family centre during the absence; and

- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the residential family centre during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered provider shall give notice of the absence within one week of its occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where—

- (a) the registered provider, if he is an individual; or  
(b) the registered manager,

has been absent from the residential family centre for a continuous period of 28 days or more, and the [F4RQIA] has not been given notice of the absence, the registered person shall without delay give notice in writing to the [F4RQIA] of the absence specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered provider shall notify the [F4RQIA] of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

**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

**I31** Reg. 31 in operation at 30.4.2007, see [reg. 1](#)

#### Notice of changes

**32.** The registered person shall give notice in writing to the [F4RQIA] as soon as it is practicable to do so, if any of the following events is proposed to take place—

- (a) a person other than the registered person carries on or manages the residential family centre;
- (b) a person ceases to carry on or manage the residential family centre;
- (c) where the registered person is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
- (i) the name or address of the organisation is changed;
- (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
- (iii) there is to be any change of responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- [F15](fa) where the registered provider is an individual, a debt relief order is made in respect of him;]
- (g) where the registered provider is a company or a partnership, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (h) the premises of the residential family centre are to be significantly altered or extended, or additional premises are acquired.

**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\(2\)](#))

**F15** [Reg. 32\(fa\)](#) 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. 50\(4\)](#)

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**Commencement Information**

**I32** Reg. 32 in operation at 30.4.2007, see [reg. 1](#)

**Appointment of liquidators etc.**

**33.**—(1) Any person to whom paragraph (2) applies must—

- (a) forthwith notify the [F<sup>4</sup>RQIA] of his appointment indicating the reasons for it;
- (b) appoint a manager in any case where there is no registered manager; and
- (c) within 28 days of his appointment, notify the [F<sup>4</sup>RQIA] of his intentions regarding the future operation of the residential family centre.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of a company or a partnership which is a registered provider of a residential family centre;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of a residential family centre; or
- (c) the trustee in bankruptcy of a registered provider of a residential family centre.

**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\(2\)](#))

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**Commencement Information**

**I33** Reg. 33 in operation at 30.4.2007, see [reg. 1](#)

**Notice of termination of accommodation**

**34.**—(1) Subject to paragraph (2), the registered person shall not terminate the arrangements for the accommodation of a resident unless he has given reasonable notice of his intention to do so—

- (a) the resident;
- (b) the person who appears to be the resident's next of kin; and
- (c) where a HSS trust has made arrangements for the provision of accommodation, board and personal care to the resident at the residential family centre, that Trust.

(2) If it is impracticable for the registered person to comply with the requirement in paragraph (1)

- (a) he shall do so as soon as it is practicable to do so; and
- (b) he shall provide to the [F<sup>4</sup>RQIA] a statement as to the circumstances which made it impracticable for him to comply with the requirement.

**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

**I34** Reg. 34 in operation at 30.4.2007, see [reg. 1](#)

### Death of registered person

**35.**—(1) If more than one person is registered in respect of a residential family centre, and a registered person dies, the surviving registered person shall without delay notify the [F<sup>4</sup>RQIA] of the death in writing.

(2) If only one person is registered in respect of a residential family centre, and he dies, his personal representatives shall notify the [F<sup>4</sup>RQIA] in writing—

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future operation of the residential family centre.

(3) The personal representatives of a deceased registered provider may carry on the residential family centre without being registered in respect of it—

- (a) for a period not exceeding 28 days;
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The [F<sup>4</sup>RQIA] may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the [F<sup>4</sup>RQIA] shall determine and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to manage the residential family centre during any period in which, in accordance with paragraph (3), they carry on the residential family centre without being registered in respect of it.

**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

**I35** Reg. 35 in operation at 30.4.2007, see [reg. 1](#)

### Offences

**36.**—(1) A contravention of any of the provisions of regulations 3, 4 and 11 to 32 shall be an offence.

(2) The [F<sup>4</sup>RQIA] shall not bring proceedings against a person in respect of any contravention of those regulations unless—

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice within which the registered person may make representations to the [F<sup>4</sup>RQIA], has expired; and
- (d) the person contravenes any of the provisions of the regulations mentioned in the notice.

(3) Where the [F<sup>4</sup>RQIA] considers that the registered person has contravened any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—



- (a) in what respect in its opinion the registered person has contravened the requirements of any of the regulations;
- (b) where it is practicable for the registered person to take action for the purpose of complying with those regulations, what action, in the opinion of the [F<sup>4</sup>RQIA], the registered person should take for that purpose;
- (c) the period, not exceeding three months, within which the registered person should take any action specified in sub-paragraph (b); and
- (d) the period, not exceeding one month, within which the registered person shall make representations to the [F<sup>4</sup>RQIA] about the notice.

(4) The [F<sup>4</sup>RQIA] may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 22 and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

**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**

**I36** Reg. 36 in operation at 30.4.2007, see [reg. 1](#)

**Compliance with regulations**

**37.** Where there is more than one registered person in respect of a residential family centre, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

**Commencement Information**

**I37** Reg. 37 in operation at 30.4.2007, see [reg. 1](#)

Sealed with Official Seal of the Department of Health, Social Services and Public Safety on 4th April 2007.

L.S.

*M. Briscoe*  
A senior officer of the  
Department of Health, Social Services and  
Public Safety

**Changes to legislation:**

There are currently no known outstanding effects for the The Residential Family Centres Regulations (Northern Ireland) 2007.