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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations which apply to establishments and agencies in Northern Ireland, amend certain Regulations made under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of nursing homes, residential care homes, nursing agencies, children's homes, day care settings, domiciliary care agencies and residential family centres.

These regulations are made in emergency circumstances and as such the period and range of persons consulted has been limited by the need to act responsively to the situation caused by COVID-19. However, consultation with the Health and Social Care Board has taken place.

Regulation 2 of these Regulations amends the Nursing Homes Regulations (Northern Ireland) 2005 to enable a registered nursing home provider to allow a person to start work in a nursing home, pending receipt of specified information and documents that are required to determine the fitness of that person to work in a nursing home, on the basis that certain conditions are met. The conditions include that the specified information and documents have been applied for, and the registered person has obtained confirmation in writing that the new worker is not included in the adult's barred list maintained under Article 6(1)(b) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. In those circumstances the new worker must be subject to specified conditions with regard to supervision.

Regulation 3 of these Regulations makes similar amendments to the Residential Care Homes Regulations (Northern Ireland) 2005.

Regulations 4 of these Regulations amends the Nursing Agencies Regulations (Northern Ireland) 2005 to enable a registered provider of a nursing agency to supply a nurse to a service user, pending receipt of specified information and documents that are required to determine the fitness of that person to be supplied to a service user, provided that certain conditions are met. The conditions include that the specified information and documents have been applied for, and the registered person has obtained confirmation in writing that the nurse is not included in neither the children's barred list nor the adults' barred list maintained under Article 6(1) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. In those circumstances, or where an agency is acting as an employment business, the registered person shall inform the service user, or the service user's representative that there is outstanding information in relation to the specified information and documents.

Regulation 5 of these Regulations amends the Children's Homes Regulations (Northern Ireland) 2005 to enable a registered children's home provider to allow a person to start work at a children's home, pending receipt of specified information and documents that are required to determine the fitness of that person to work in a children's home, provided that certain conditions are met. The conditions include that the specified information and documents have been applied for, and that the registered person has obtained confirmation in writing that the new worker is not included in the children's barred list maintained under Article 6(1)(a) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. In those circumstances the new worker must be subject to specified conditions with regard to supervision.

Regulation 6 of these Regulations amends the Day Care Setting Regulations (Northern Ireland) 2007 to enable a registered day care setting provider to allow a person to start work at a day care setting, pending receipt of specified information and documents that are required to determine the fitness of that person to work in a day care setting, provided that certain conditions are met. The

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conditions include that the specified information and documents have been applied for, and that the registered person has obtained confirmation in writing that the new worker is not included in the adult's barred list maintained under Article 6(1)(b) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. In those circumstances the new worker must be subject to specified conditions with regard to supervision.

Regulations 7 of these Regulations amends the Domiciliary Care Workers Regulations (Northern Ireland) 2007 to enable an agency provider to supply a domiciliary care worker to a service user, pending receipt of specified information and documents, provided that certain conditions are met. The conditions include that the specified information and documents have been applied for, and that the registered person has obtained confirmation in writing that the new worker is not included in the adult's barred list maintained under Article 6(1)(b) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. In those circumstances, or where a domiciliary care agency is acting as an employment business, the registered person shall inform the service user that there is outstanding information in relation to the specified information and documents.

Regulation 8 makes similar amendments as Regulation 7 to Residential Family Centres (Regulations) 2005.

**Changes to legislation:**

There are currently no known outstanding effects for the The Establishment and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2020.