
STATUTORY INSTRUMENTS

1992 No. 2241

SOCIAL SERVICES, ENGLAND AND WALES

The Residential Care Homes
(Amendment) (No. 2) Regulations 1992

<i>Made</i>	- - - -	<i>15th September 1992</i>
<i>Laid before Parliament</i>		<i>21st September 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 1(4)(b), 5(1), 8, 8A, 16(1) and 56(4) of the Registered Homes Act 1984(1), and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Residential Care Homes (Amendment) (No. 2) Regulations 1992 and shall come into force on 1st April 1993.

(2) In these Regulations “the principal Regulations” means the Residential Care Homes Regulations 1984(2).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (particulars to be supplied on application for registration) there shall be inserted at the end the words “, except that an applicant for registration in respect of a small home need not supply information in regard to the matters mentioned in paragraphs 3(c), (e), (l), (m) or (n) of that Schedule.”.

Amendment of regulation 3 of the principal Regulations

3.—(1) At the beginning of paragraph (1) of regulation 3(1) of the principal Regulations (registration fees) there shall be inserted the words “Subject to paragraph (2) of this regulation,”.

(2) At the end of regulation 3 of the principal Regulations there shall be inserted the following paragraph—

(1) 1984 c. 23 as amended by the Registered Homes (Amendment) Act 1991 (c. 20). See, in relation to section 1(4)(b), the definition of “prescribed” in section 20(1).
(2) S.I.1984/1345 as amended by S.I. 1986/457, 1988/1192, 1991/2502 and 1992/2007.

“(2) The registration fee to accompany an application for registration under Part I of the Act of a person in respect of a small home shall be £230.”.

Amendment of regulation 5 of the principal Regulations

4. For regulation 5 of the principal Regulations (annual fee) there shall be substituted—

“5.—(1) A person registered in respect of a residential care home as being the person in control of it shall pay an annual fee, of an amount determined in accordance with paragraphs (2) to (4) of this regulation, within one month of the date on which the certificate of registration was issued and thereafter in each year no later than the day before the anniversary of that date.

(2) Where the home is not a small home, the annual fee shall, subject to paragraph (4) of this regulation, be of an amount equal to £41 multiplied by the maximum number of persons specified (in accordance with section 5(3) of the Act) in the certificate of registration in respect of the home.

(3) Where the home is a small home, the annual fee shall be £30.

(4) Where the home is not a small home, but an annual fee was payable in respect of the immediately preceding year and was that payable in accordance with paragraph (3) of this regulation because the home was then a small home and no application for re-registration under section 5(1) of the Act has been made and accompanied by the registration fee, the amount of the annual fee determined in accordance with paragraph (2) of this regulation shall be increased by £610.”.

Amendment of regulation 6 of the principal Regulations

5. In regulation 6 of the principal Regulations (records) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (1A) of this regulation,” and after paragraph (1) there shall be inserted—

“(1A) A person registered in respect of a small home need not compile the records specified in—

- (a) paragraphs 8 to 16 of Schedule 2 to these Regulations;
- (b) paragraph 4 of that Schedule, except to the extent that it relates to any medicines administered to a resident; or
- (c) in paragraph 7 of that Schedule to the extent that it relates to any visits by persons authorised to inspect the home.”.

Amendment of regulation 8 of the principal Regulations

6. In regulation 8 of the principal Regulations (consultation with fire authority) after the word “shall” there shall be inserted the words “except in respect of a small home,”.

Amendment of regulation 10 of the principal Regulations

7.—(1) In regulation 10 of the principal Regulations (provision of facilities and services) there shall be inserted at the beginning of paragraph (1) the words “Subject to paragraphs (1A) and (1B) of this regulation,”.

(2) After paragraph (1) of regulation 10 of the principal Regulations there shall be inserted the following paragraphs—

“(1A) Sub-paragraph (i) of paragraph (1) of this regulation shall not apply in respect of a small home.

(1B) Sub-paragraphs (h), (j) and (m) of paragraph (1) of this regulation shall apply in respect of a small home with the following modifications—

- (a) in sub-paragraph (h) as if the words after the words “risk of fire” were omitted;
- (b) in sub-paragraph (j) as if the words after the word “accidents” were omitted;
- (c) in sub-paragraph (m) as if the words “, after consultation with the local environmental health officer,” were omitted.”.

Amendment of regulation 11 of the principal Regulations

8.—(1) At the end of paragraph (1) of regulation 11 of the principal Regulations (visits by parents, guardians etc.) there shall be inserted the words “, except that no such consultation is required in respect of a small home.”.

(2) At the beginning of paragraph (3) of regulation 11 of the principal Regulations there shall be inserted the words “Except in respect of a small home,”.

Amendment of regulation 18 of the principal Regulations

9. For regulation 18 of the principal Regulations (inspection of homes) there shall be substituted—

“**18.** The registration authority shall ensure that any home other than a small home is inspected pursuant to section 17 of the Act not less than twice in every period of 12 months.”.

New regulations 24 and 25 of the principal Regulations

10. After regulation 23 of the principal Regulations (appeals) there shall be added the following regulations—

“Exemption from registration in respect of certain small homes

24.—(1) Registration under Part I of the Act is not required in respect of a small home if the only person or persons for whom it provides residential accommodation with both board and personal care are—

- (a) a child or children in need of personal care by reason of disablement, past or present dependence on alcohol or drugs, or past or present mental disorder, who are accommodated pursuant to any of the provisions specified in paragraph (2) of this regulation;
 - (b) a child or children to whom paragraph (1)(a) of this regulation applies and a person or persons falling within section 1(4)(a) of the Act.
- (2) The provisions referred to in paragraph (1)(a) of this regulation are—
- (a) section 23(2)(a) of the Children Act 1989⁽³⁾ (foster placement by a local authority);
 - (b) section 59(1)(a) of the Children Act 1989 (foster placement by a voluntary organisation);
 - (c) part IX of the Children Act 1989 (private arrangements for fostering children).

(3) 1989 c. 41.

Annual returns

25.—(1) The person registered in respect of a small home shall make to the registration authority an annual return containing the information referred to in Schedule 4.

(2) The annual return in respect of a home shall be made each year on or before the anniversary of the date on which the certificate of registration relating to the home was issued, and shall be—

- (a) in the case of the first return, for the period beginning with the date on which the application was made and ending with the date on which the return is made; and
- (b) in the case of subsequent returns, for the period since the last return was made until the date on which the subsequent return is made.”.

Amendment of Schedule 1 to the principal Regulations

11.—(1) In Schedule 1 to the principal Regulations (information to be supplied on an application for registration) in paragraph 2(a)(iv) after the word “required” there shall be inserted the words “and in the case of a small home if different the name, address and telephone number of the person to whom enquiries are to be made,”.

(2) For sub-paragraph (k) of paragraph 3 of Schedule 1 to the principal Regulations there shall be substituted the following sub-paragraph—

- “(k) details of any special arrangements made or other services available for any particular category of resident and, except in the case of a small home, details of equipment and facilities and services to be provided in the home;”.

(3) After sub-paragraph (n) of paragraph 3 of Schedule 1 to the principal Regulations there shall be inserted the following sub-paragraph—

- “(o) in the case of a small home the number of persons who are participating in the management or running of the home or providing personal care in the home on an informal basis (including any such person who is a relative of the person registered) and their sex, relevant qualifications and position in the home.”.

Amendment of Schedule 2 to the principal Regulations

12. In Schedule 2 to the principal Regulations (records to be kept in a home) after paragraph 17 there shall be inserted the following paragraph—

- “**18.** In the case of a small home a record of each person, whether employed or not, at the home who is providing personal care for residents which record shall include that person’s full name, date of birth, qualifications, experience and position in the home.”.

Amendment of Schedule 3 to the principal Regulations

13.—(1) In Schedule 3 to the principal Regulations (information to be recorded in the registers kept by registration authorities) at the end of paragraph 3 there shall be inserted the words “and in the case of a small home if different the name, address, and telephone number of the person to whom enquiries are to be made,”.

(2) At the end of Schedule 3 to the principal Regulations there shall be inserted the following paragraph—

- “7. Whether the certificate of registration issued relates to a small home.”.

Information to be supplied in the annual returns

14. After Schedule 3 to the principal Regulations there shall be inserted the following Schedule—

“SCHEDULE 4

Regulation 25

INFORMATION TO BE SUPPLIED IN THE ANNUAL RETURN

- (a) The name, address and telephone number of the home, and the name and address of the person registered, indicating which if any of these items of information is different from that previously supplied;
 - (b) the number, sex and category of residents cared for in the home, indicating which if any of these items of information is different from that previously supplied;
 - (c) the number of residents who have left the home since the later of the date of registration or the date when information was previously supplied;
 - (d) the date and cause of death of any resident who has died in the home since the later of the date of registration or the date when information was previously supplied;
 - (e) the number of residents who are permanently confined to bed indicating any change since the later of the date of registration or the date when information was previously supplied;
 - (f) the full names and dates of birth of the persons other than residents who are living in the home, whether or not employed in the management or running of the home or in the provision of care in the home, indicating which if any of these items of information is different from that previously supplied;
 - (g) the full names and dates of birth, qualifications and experience of the persons employed in the management or running of the home or in the provision of care in the home, whether living in the home or not, and of the persons assisting informally in the management or running of the home or in the provision of care in the home but not living in the home, indicating which if any of these items of information is different from that previously supplied;
 - (h) any criminal convictions details of which have not been previously supplied, including, where the registration authority ask for details of any criminal convictions which are spent convictions as mentioned in paragraph 2A(b) of Schedule 1 to these Regulations, and inform the person registered as mentioned in that paragraph, details of those spent convictions.
2. In this Schedule “previously supplied” means—
- (a) where no annual return has previously been made, supplied in the application for registration;
 - (b) in relation to any other return supplied in the last annual return made.”.

Signed by the authority of the Secretary of State for Health.

15th September 1992

Tim Yeo
Parliamentary Under Secretary of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Residential Care Homes Regulations 1984 principally in their application to small residential care homes (ie homes with fewer than four residents).

They remove or vary certain requirements to supply information on an application to register a small home (regulations 2 and 11), stipulate the registration fee (regulation 3), and annual fee payable in respect of small homes and the increased annual fee payable after a former small home begins to cater for four or more residents but has not applied to bere-registered under section 5(1) of the Registered Homes Act 1984 (regulation 4).

They also remove or vary in relation to small homes certain requirements for the person registered to keep records and make arrangements for visitors (regulations 5, 8 and 12), to consult with the fire authority (regulation 6) and to provide facilities and services (regulation 7).

The Regulations replace regulation 18 of the 1984 Regulations (inspection of homes) with a provision that inspection of homes other than small homes shall be carried out at least twice a year (regulation 9).

They also make provision for exemption from registration in respect of circumstances governed by the Children Act 1989 (regulation 10).

The Regulations also vary the particulars to be recorded in the registers kept by registration authorities in respect of small homes (regulation 13) and impose an obligation on the person registered in respect of a small home to make an annual return containing specified information (regulations 10 and 14).