
STATUTORY INSTRUMENTS

2001 No. 3965

The Care Homes Regulations 2001

PART II

REGISTERED PERSONS

Fitness of registered provider

- 7.—(1) A person shall not carry on a care home unless he is fit to do so.
- (2) A person is not fit to carry on a care home unless the person—
- (a) is an individual who carries on the care home—
 - (i) otherwise than in partnership with others, and he 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 Commission of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the care home; 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; and
 - (b) he is physically and mentally fit to carry on the care home; and
 - (c) full and satisfactory information is available in relation to him in respect of the following matters—
 - (i) the matters specified in paragraphs 1 to 5 of Schedule 2;
 - (ii) except where paragraph (4) applies, the matters specified in paragraph 7 of that Schedule;
 - (iii) where paragraph (4) applies, the matters specified in paragraph 8 of that Schedule.
- (4) This paragraph applies where any certificate or information on any matters referred to in paragraph 7 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.
- (5) A person shall not carry on a care home 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has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or

- (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

Appointment of manager

- 8.—**(1) The registered provider shall appoint an individual to manage the care home where—
- (a) there is no registered manager in respect of the care home; and
 - (b) the registered provider—
 - (i) is an organisation or partnership;
 - (ii) is not a fit person to manage a care home; or
 - (iii) is not, or does not intend to be, in full-time day to day charge of the care home.
- (2) Where the registered provider appoints a person to manage the care home he shall forthwith give notice to the Commission of—
- (a) the name of the person so appointed; and
 - (b) the date on which the appointment is to take effect.

Fitness of registered manager

- 9.—**(1) A person shall not manage a care home unless he is fit to do so.
- (2) A person is not fit to manage a care home unless—
- (a) he is of integrity and good character;
 - (b) having regard to the size of the care home, the statement of purpose, and the number and needs of the service users—
 - (i) he has the qualifications, skills and experience necessary for managing the care home; and
 - (ii) he is physically and mentally fit to manage the care home; and
 - (c) full and satisfactory information is available in relation to him in respect of the following matters—
 - (i) the matters specified in paragraphs 1 to 5 of Schedule 2;
 - (ii) except where paragraph (3) applies, the matters specified in paragraph 7 of that Schedule;
 - (iii) where paragraph (3) applies, the matters specified in paragraph 8 of that Schedule.
- (3) This paragraph applies where any certificate or information on any matters referred to in paragraph 7 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.

Registered person: general requirements

- 10.—**(1) The registered provider and the registered manager shall, having regard to the size of the care home, the statement of purpose, and the number and needs of the service users, carry on or manage the care home (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 care home.

(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 care home.

Notification of offences

11. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the Commission 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.