
STATUTORY INSTRUMENTS

2002 No. 3212

Nurses Agencies Regulations 2002

PART III

CONDUCT OF NURSES AGENCIES

CHAPTER 1

QUALITY OF SERVICE PROVISION

Fitness of nurses supplied by an agency

12.—(1) The registered person shall ensure that no nurse is supplied by the agency unless—

- (a) she is of integrity and good character;
- (b) she has the qualifications, skills and experience which are necessary for the work which she is to perform;
- (c) she is physically and mentally fit for that work; and
- (d) full and satisfactory information is available in relation to her in respect of each of the matters specified in Schedule 3.

(2) The registered person shall ensure that the selection of a nurse for supply is made by or under the supervision of a nurse and that full and satisfactory information in respect of each of the matters listed in Schedule 2 is available in relation to the nurse carrying out the selection.

(3) The registered person shall ensure that every nurse supplied by the agency acting as an employment business is instructed that when working for a service user she must at all times wear identification showing her name, the name of the agency and a recent photograph.

Policies and procedures

13.—(1) Paragraphs (2) and (3) apply where an agency acting as an employment business⁽¹⁾ supplies a nurse to provide nursing care in the private residence of a service user or patient.

(2) The registered person shall prepare and implement written policies in relation to—

- (a) ensuring that the services provided to each patient are in accordance with the statement of purpose and meet that patient's individual needs;
- (b) the circumstances in which nurses may administer or assist in the administration of a patient's medication;
- (c) the other tasks which nurses may or may not perform in connection with a patient's care, and the tasks which may only be performed if the nurse has received specialist training;
- (d) arrangements to assist patients with mobility in their homes, where required;
- (e) measures to protect the safety and property of the patient;

⁽¹⁾ See section 121(1) of the Act for the definition of "employment business".

- (f) arrangements to ensure that the privacy, dignity and wishes of the patient are respected;
 - (g) measures to safeguard the patient against abuse or neglect;
 - (h) measures to safeguard nurses against abuse or other harm;
 - (i) the procedure to be followed after an allegation of abuse, neglect or other harm has been made.
- (3) The procedure referred to in paragraph (2)(i) shall in particular provide for—
- (a) written records to be kept of any allegation of abuse, neglect or other harm and of the action taken in response; and
 - (b) the Commission to be notified of any incident reported to the police, not later than 24 hours after the registered person—
 - (i) has reported the matter to the police; or
 - (ii) is informed that the matter has been reported to the police.
- (4) The registered person shall ensure that any personal information about a patient for whom a nurse is supplied by the agency is not disclosed to any member of the agency's staff unless it is necessary to do so in order to provide an effective service to the patient.

Staffing

14.—(1) Where an agency is acting as an employment business, the registered person shall, having regard to the size of the agency, its statement of purpose and the number and needs of the service users, take all reasonable measures to ensure that there is at all times an appropriate number of suitably qualified, skilled and experienced persons employed for the purposes of the agency.

- (2) The registered person shall ensure that each employee of the agency—
- (a) receives appropriate supervision; and
 - (b) is provided with a job description outlining her responsibilities.

(3) The registered person shall establish a procedure for collecting information from service users about the performance of nurses employed for the purposes of the agency, and shall take such steps as may be necessary to address any aspect of a nurse's clinical practice.

(4) The registered person shall provide to each nurse who is employed for the purposes of the agency a written statement of the terms and conditions on which she will be supplied to work for, and under the control of, a service user.

(5) The statement of terms and conditions provided under paragraph (4) shall, in particular, specify the employment status of the nurse.

Staff handbook

15.—(1) Where the agency is acting as an employment business, the registered person shall prepare a staff handbook and provide a copy to every member of staff.

- (2) The handbook prepared in accordance with paragraph (1) shall include a statement as to—
- (a) the conduct expected of staff, and disciplinary action which may be taken against them;
 - (b) the role and responsibilities of nurses and other staff;
 - (c) record keeping requirements;
 - (d) recruitment procedures; and
 - (e) training and development requirements and opportunities.

Provision of information to service users

16.—(1) The registered person shall ensure that before a nurse is supplied, the service user is informed of—

- (a) the name of the nurse who is to be supplied and the means of contacting her;
- (b) the name of the member of staff of the agency who is responsible for the supply of that nurse; and
- (c) where the agency is acting as an employment business, details of how the service user may contact the registered person, or a person nominated to act on behalf of the registered person.

(2) Where the service user is also the patient, the registered person shall ensure that the information specified in paragraph (1) is, where appropriate, provided to the person acting on behalf of the patient.

Records

17. The registered person shall ensure that the records specified in Schedule 4 are maintained and that they are—

- (a) kept up to date, in good order and in a secure manner; and
- (b) retained for a period of not less than three years beginning on the date of the last entry.

Complaints

18.—(1) The registered person shall establish a procedure (“the complaints procedure”) for considering complaints made to the registered person by a service user or a person acting on behalf of the service user.

(2) The registered person shall supply a written copy of the complaints procedure to every service user and, upon request, to any person acting on behalf of a service user.

(3) The written copy of the complaints procedure shall include—

- (a) the address and telephone number of the Commission; and
- (b) the procedure (if any) which has been notified by the Commission to the registered person for making complaints to the Commission relating to the agency.

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

(5) The registered person shall, within the period of 28 days beginning on 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 action (if any) that is to be taken in response.

(6) The registered person shall maintain a record of each complaint, including details of the investigation made, the outcome and any action taken in consequence and the requirements of regulation 17 shall apply to that record.

(7) The registered person shall supply to the Commission annually a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response.

(8) The registered person shall ensure that any evidence of misconduct by a nurse is reported promptly and in writing to the Nursing and Midwifery Council⁽²⁾.

(2) The Nursing and Midwifery Council was established by article 3 of the Nursing and Midwifery Order 2001 (S.I.2002/253).

Review of quality of service provision

19.—(1) The registered person shall introduce and maintain a system for reviewing at appropriate intervals the quality of services provided by the agency.

(2) The registered person shall supply to the Commission a report in respect of any review conducted by her for the purposes of paragraph (1) and shall make a copy of the report available upon request for inspection by service users and persons acting on behalf of service users.

(3) The system referred to in paragraph (1) shall provide for consultation with service users and persons acting on behalf of service users.