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STATUTORY INSTRUMENTS

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**2003 No. 431**

**The Health and Personal Social Services (Quality,  
Improvement and Regulation) (Northern Ireland) Order 2003**

**PART III**

**REGULATION OF ESTABLISHMENTS AND AGENCIES**

*Regulations*

**Regulations relating to establishments and agencies**

**23.**—(1) Regulations may impose in relation to establishments and agencies any requirements which the Department thinks fit for the purposes of this Part and may in particular make any provision such as is mentioned in paragraph (2) or (7).

(2) Regulations may—

- (a) make provision as to the persons who are fit to carry on or manage an establishment or agency;
- (b) make provision as to the persons who are fit to work at an establishment or for the purposes of an agency;
- (c) make provision as to the fitness of premises to be used as an establishment or for the purposes of an agency;
- (d) make provision for securing the welfare of persons accommodated in an establishment or provided with services by an establishment, an independent medical agency or a domiciliary care agency;
- (e) make provision for securing the welfare of children placed, under Article 27(2)(a) of the Children Order, by a fostering agency;
- (f) make provision as to the management and control of the operations of an establishment or agency;
- (g) make provision as to the numbers of persons, or persons of any particular type, working at an establishment or for the purposes of an agency;
- (h) make provision as to the management and training of such persons;
- (i) impose requirements as to the financial position of an establishment or agency;
- (j) make provision requiring the person carrying on an establishment or agency to appoint a manager in prescribed circumstances.

(3) Regulations under paragraph (2)(a) may, in particular, make provision for prohibiting persons from managing an establishment or agency unless they are registered in, or in a particular part of, any register specified in the regulations for the purposes of this paragraph .

(4) Regulations under paragraph (2)(b) may, in particular, make provision for prohibiting persons from working in such positions as may be prescribed at an establishment, or for the purposes of an

agency, unless they are registered in, or in a particular part of, any register specified in the regulations for the purposes of this subsection.

- (5) Regulations under sub-paragraph (d) of paragraph (2) may, in particular, make provision—
  - (a) as to the promotion and protection of the health of persons such as are mentioned in that sub-paragraph;
  - (b) as to the control and restraint of adults accommodated in, or provided with services by, an establishment;
  - (c) as to the control, restraint and discipline of children accommodated in, or provided with services by, an establishment.
- (6) Regulations under sub-paragraph (e) of paragraph (2) may, in particular, make provision—
  - (a) as to the promotion and protection of the health of children such as are mentioned in that sub-paragraph;
  - (b) as to the control, restraint and discipline of such children.
- (7) Regulations may make provision as to the conduct of establishments and agencies, and such regulations may in particular—
  - (a) make provision as to the facilities and services to be provided in establishments and by agencies;
  - (b) make provision as to the keeping of accounts;
  - (c) make provision as to the keeping of documents and records;
  - (d) make provision as to the notification of incidents occurring in establishments or in premises used for the purposes of agencies;
  - (e) make provision as to the giving of notice by the person carrying on an establishment or agency of periods during which he or (if he does not manage it himself) the manager proposes to be absent from the establishment or agency, and specify the information to be supplied in such a notice;
  - (f) provide for the making of adequate arrangements for the running of an establishment or agency during a period when the manager is absent from it;
  - (g) make provision as to the giving of notice by a person registered in respect of an establishment or agency of any intended change in the identity of the manager or the person carrying it on;
  - (h) make provision as to the giving of notice by a person registered in respect of an establishment or agency which is carried on by a body corporate of changes in the ownership of the body or the identity of its officers;
  - (i) make provision requiring the payment of a fee of such amount as may be prescribed in respect of any notification required to be made by virtue of sub-paragraph (h);
  - (j) make provision requiring arrangements to be made by the person who carries on, or manages, an establishment or agency for dealing with complaints made by or on behalf of those seeking, or receiving, any of the services provided in the establishment or by the agency and requiring that person to take steps for publicising the arrangements;
  - (k) make provision requiring arrangements to be made by the person who carries on, or manages, an independent hospital, independent clinic or independent medical agency for securing that any medical or psychiatric treatment, or listed services, provided in or for the purposes of the establishment or (as the case may be) for the purposes of the agency are of appropriate quality and meet appropriate standards;

- (l) make provision requiring arrangements to be made by the person who carries on, or manages, a residential care home or nursing home for securing that any nursing provided by the home is of appropriate quality and meets appropriate standards.
- (8) Before making regulations under this Article, except regulations which amend other regulations made under this Article and do not, in the opinion of the Department, effect any substantial change in the provision made by those regulations, the Department shall consult any person it considers appropriate.
- (9) References in this Article to agencies do not include references to voluntary adoption agencies.
- (10) In paragraph (7)(k), “listed services” has the meaning given in Article 2(7).