
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 161

**The Residential Care Homes
Regulations (Northern Ireland) 2005**

PART III

CONDUCT OF THE RESIDENTIAL CARE HOME

Requirements to ensure quality of care and other service provision

12.—(1) The registered person shall provide care and any other services to residents in accordance with the statements of purpose, and shall ensure that the care, treatment, if necessary, and other services provided to each resident –

- (a) meet his individual need;
- (b) reflect current best practice; and
- (c) are (where necessary) provided by means of appropriate aids or equipment.

(2) The registered person shall ensure that all aids and equipment used in or for the purpose of the residential care home is –

- (a) suitable for the purposes for which it is to be used; and
- (b) properly maintained and in good working order.

(3) Where reusable medical devices are used in a home, the registered person shall ensure that appropriate procedures are implemented and adhered to in relation to cleaning, disinfection, inspection, packaging, sterilisation, transportation and storage of such devices.

(4) The procedures implemented in accordance with paragraph (3) shall be such as to ensure that reusable medical devices are handled safely and decontaminated effectively in accordance with the manufacturer's guidance prior to re-use.

(5) The registered person shall ensure that food and drink –

- (a) are provided in adequate quantities and at appropriate intervals;
- (b) are properly prepared, wholesome and nutritious and meets their nutritional requirements;
- (c) are suitable for the needs of residents;
- (d) provide choice for the residents;
- (e) that the menu is varied at suitable intervals.

Health and welfare of residents

13.—(1) The registered person shall ensure that the residential care home is conducted so as –

- (a) to promote and make proper provision for the health and welfare of residents;
- (b) to make proper provision for the care and where appropriate, treatment and supervision of residents.

(2) The registered person shall so far as practicable enable residents to make decisions with respect to the care they are to receive and their health and welfare.

(3) The registered person shall, for the purpose of providing care to residents, and making proper provision for their health and welfare, so far as practicable, ascertain and take into account their wishes and feelings.

(4) Subject to paragraph (5) the registered person shall make suitable arrangements for the ordering, storage, recording, handling, safe keeping, safe administration and disposal of medicines used in or for the purposes of the home to ensure that –

- (a) any medicine which is kept in a home is stored in a secure place; and
- (b) medicine which is prescribed is administered as prescribed to the resident for whom it is prescribed, and to no other resident; and
- (c) a written record is kept of the administration of any medicine to a resident.

(5) Paragraph (4) does not apply to medicine which –

- (a) is stored by the individual for whom it is provided in such a way that others are prevented from using it; and
- (b) may be safely self-administered by that individual.

(6) In this regulation, “prescribed” means –

- (a) ordered for a resident for provision to him under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹⁾; or
- (b) prescribed for a resident under section 58 of the Medicines Act 1968⁽²⁾.

(7) The registered person shall make suitable arrangements to minimise the risk of infection and toxic conditions and the spread of infection between residents and staff.

(8) The registered person shall make suitable arrangements to ensure that the home is conducted –

- (a) in a manner which respects the privacy and dignity of residents;
- (b) with due regard to the sex, religious persuasion, ethnic origin, and cultural and linguistic background and any disability of residents.

(9) The registered provider and registered manager (if any) shall, in relation to the conduct of the home –

- (a) maintain good personal and professional relationships with each other and with residents and staff; and
- (b) encourage and assist staff to maintain good personal and professional relationships with residents.

Further requirements as to health and welfare

14.—(1) The registered person shall make arrangements for residents –

- (a) to be registered with a general practitioner of their choice; and
- (b) to receive where necessary, treatment, advice and other services from any health care professional and/or social worker.

(2) The registered person shall ensure as far as reasonably practicable that –

- (a) all parts of the residential care home to which residents have access are free from hazards to their safety;

(1) S.I.1972/1265 (N.I. 14)

(2) 1968 c. 67; as amended by paragraph 7 of Part II of Schedule 2 to the Medicines (Specified Articles and Substances) Order 1976 (S.I. 1976/968)

- (b) any activities in which residents participate are free from avoidable risks; and
 - (c) unnecessary risks to the health, welfare or safety of residents are identified and so far as possible eliminated; and
 - (d) shall make suitable arrangements for the training of persons employed in first aid.
- (3) The registered person shall make suitable arrangements to provide a safe system for moving and handling residents.
- (4) The registered person shall make arrangements, by training persons employed or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.
- (5) The registered person shall ensure that no resident is subject to restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other resident and there are exceptional circumstances.
- (6) On any occasion on which a resident is subject to restraint, the registered person shall record on the resident's care plan the circumstances and nature of the restraint. These details should also be reported to the Regulation and Improvement Authority as soon as is practicable.

Assessment of residents

- 15.—**(1) The registered person shall not provide accommodation to a resident at the residential care home unless –
- (a) the needs of the resident have been assessed by a suitably qualified or suitably trained person;
 - (b) the registered person has obtained a copy of the assessment; and
 - (c) there has been appropriate consultation regarding the assessment with the resident or a representative of the resident as appropriate;
 - (d) the registered person has confirmed in writing to the resident that having regard to the assessment the home is suitable for the purpose of meeting the resident's needs in respect of his care health and welfare;
 - (e) the home has been registered for the category of care appropriate to the resident's needs.
- (2) The registered person shall ensure that the assessment of the resident's needs is –
- (a) kept under review; and
 - (b) revised at any time when it is necessary to do so having regard to any change of circumstances and in any case not less than annually.

Resident's care plan

- 16.—**(1) The registered person shall ensure that a written care plan is prepared in consultation with the resident or resident's representative as to how the resident's needs in respect of his care, health and welfare are to be met.
- (2) The registered person shall ensure that –
- (a) the resident's care plan is available to the resident;
 - (b) the resident's care plan is kept under review;
 - (c) where appropriate and, unless it is impracticable to carry out such consultation, after consultation with the resident or a representative of his, revise the resident's care plan; and
 - (d) notify the resident of any such revision.

Review of quality of care and other service provision

17.—(1) The registered person shall introduce and ensure systems are maintained for reviewing at appropriate intervals the quality of care and other service provision in or for the purposes of the residential care home and that any such review is undertaken no less than annually.

(2) The registered person shall supply to the Regulation and Improvement Authority a report in respect of any review conducted by him for the purpose of paragraph (1) and make a copy of the report available to residents.

(3) The system referred to in paragraph (1) shall provide for consultation with residents and their representatives.

Facilities and services

18.—(1) Subject to regulation 3(3), the registered person shall provide facilities and services to residents in accordance with the statement of purpose required by regulation 3(1)(b) in respect of the residential care home.

(2) The registered person shall having regard to the size of the home and the number and needs of residents –

- (a) provide, so far as is necessary for the purpose of managing the home, appropriate telephone and other communication facilities;
- (b) provide telephone facilities which are suitable for the needs of residents, and make arrangements to enable residents to use such facilities in private;
- (c) provide in rooms occupied by residents adequate furniture, bedding and other furnishings, including curtains and floor coverings, and equipment suitable to the needs of residents and screens where necessary;
- (d) permit residents, so far as it is practicable to do so, and subject to fire and safety requirements, to bring their own furniture and furnishings into the rooms they occupy;
- (e) arrange for the regular laundering of linen and clothing;
- (f) so far as it is reasonable and practicable to do so, provide adequate facilities for residents to wash, dry and iron their own clothes if they so wish and, for that purpose, to make arrangements for their clothes to be sorted and kept separately;
- (g) so far as it is reasonable and practicable to do so, provide adequate facilities for residents to prepare their own food and ensure that such facilities are safe for use by residents;
- (h) so far as it is reasonable and practical to do so, provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils and adequate facilities for the preparation and storage of food;
- (i) after consultation with the environmental health department of the district council for the district in which the home is situated, make suitable arrangements for maintaining satisfactory standards of hygiene in the home;
- (j) keep the home free from offensive odours;
- (k) make suitable arrangements for the safe disposal of general and clinical waste;
- (l) provide a place where the money and valuables of residents may be deposited for safe keeping, and make arrangements for residents to acknowledge in writing the deposit and return to them of any money or valuables;
- (m) consult residents about their social interests, and make arrangements to enable them to engage in local, social and community activities and to visit, or maintain contact or communicate with, their families and friends;

- (n) where activities are provided by or on behalf of the home including training, occupation and recreation, there are arrangements to ensure that –
 - (i) activities are planned and provided with regard to the needs of the residents; and
 - (ii) residents are consulted about the planned programme of activities.
- (3) The registered person shall ensure that so far as practicable residents have the opportunity to attend religious services of their choice

Records

- 19.**—(1) The registered person shall –
- (a) maintain in respect of each resident a record which includes the information, documents and other records specified in Schedule 3 relating to the resident;
 - (b) ensure that the record referred to in sub-paragraph (a) is kept securely in the residential care home.
- (2) The registered person shall maintain in the home the records specified in Schedule 4.
- (3) The registered person shall ensure that the records referred to in paragraphs (1) and (2) –
- (a) are kept up to date; and
 - (b) are at all times available for inspection in the home by any person authorised by the Regulation and Improvement Authority to enter and inspect the home; and
 - (c) ensure that residents are aware of arrangements to access their personal records.
- (4) The records referred to in paragraphs (1) and (2) shall be retained for not less than 6 years from the date of the last entry.
- (5) The registered person shall ensure that information about a resident’s health and treatment is handled confidentially and is only disclosed to those persons who need to be aware of that information in order to treat the resident effectively or minimise any risk of the resident harming himself or another person, or for the purpose of the proper administration of the home.

Staffing

- 20.**—(1) The registered person shall, having regard to the size of the residential care home, the statement of purpose and the number and needs of residents –
- (a) ensure that at all times suitably qualified, competent and experienced persons are working at the home in such numbers as are appropriate for the health and welfare of residents;
 - (b) ensure that the employment of any persons on a temporary basis at the home will not prevent residents from receiving such continuity of care as is reasonable to meet their needs;
 - (c) ensure that the persons employed by the registered person to work at the home receive –
 - (i) appraisal, mandatory training and other training appropriate to the work they are to perform; and
 - (ii) are supported to maintain their registration with the appropriate regulatory or occupational body; and
 - (iii) are enabled from time to time to obtain training and/or further qualifications appropriate to the work they perform; and
 - (iv) are provided with a job description outlining their responsibilities.
- (2) The registered person shall ensure that persons working at the home are appropriately supervised.

(3) The registered manager shall carry out a competency and a capability assessment with any person who is given the responsibility of being in charge of the home for any period of time in his absence.

Fitness of workers

21.—(1) The registered person shall not employ a person to work at the residential care home unless –

- (a) the person is fit to work at the home;
- (b) subject to paragraph (5), he has obtained in respect of that person the information and documents specified in paragraphs 1 to 7 of Schedule 2;
- (c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person.

(2) Paragraph 1 applies to a person who is employed by a person (“the employer”) other than the registered person.

(3) Paragraph 1 applies to a position in which a person may in the course of his duties have regular contact with residents at the home.

(4) The registered person shall not allow a person to whom paragraph (2) applies to work at the home in a position to which paragraph (3) applies, unless –

- (a) the person is fit to work at the home;
- (b) the employer has obtained in respect of that person the information and documents specified in –
 - (i) paragraphs 1 to 7 of Schedule 2; and has confirmed in writing to the registered person that he has done so; and
- (c) the employer is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied.

(5) For the purposes of paragraphs (1) and (4), a person is not fit to work at a home unless –

- (a) he is of integrity and good character;
- (b) he has qualifications or training suitable to the work that he is to perform, and the skills and experience necessary for such work;
- (c) he is physically and mentally fit for the purposes of the work he is to perform at the home.
- (d) full and satisfactory information is available in relation to him in respect of the following matters –
 - (i) each of the matters specified in paragraphs 1 to 7 of Schedule 2.

(6) The registered person shall ensure that all health care professionals are covered by appropriate professional indemnity.

Restrictions on acting for residents

22.—(1) Subject to paragraph (2), the registered person shall not pay money belonging to any resident into a bank account unless –

- (a) the account is in the name of the resident to which the money belongs; and
- (b) the account is not used by the registered person in connection with the carrying on or management of the residential care home.

(2) Paragraph (1) does not apply to money which is paid to the registered person in respect of charges payable by a resident for accommodation or other services provided by the registered person at the home.

(3) The registered person shall ensure a record is kept of persons working at the home acting as the appointee or agent of a resident.

Staff views as to conduct of the home

23.—(1) This regulation applies to any matter relating to the conduct of the home so far as it may affect the care, safety or welfare of residents.

(2) The registered person shall make arrangements to enable staff to inform the registered person and the Regulation and Improvement Authority and the local HSS Trust in the area of which the home is situated, in confidence of their views about any matter to which this regulation applies.

Complaints

24.—(1) The registered person shall establish a procedure (“the complaints procedure”) for receiving, managing and responding to complaints made to the registered person by a resident or person acting on the resident’s behalf.

(2) The complaints procedure shall be appropriate to the needs of residents.

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

(4) The registered person shall, within 28 days after 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 investigative process, outcome and action (if any) that is to be taken.

(5) The registered person shall supply a written copy of the complaints procedure to every resident and to any person acting on behalf of a resident.

(6) Where a written copy of the complaints procedure is to be supplied in accordance with paragraph (5) to a person who is blind or whose vision is impaired, the registered person shall so far as it is practicable to do so, supply, in addition to the written copy, a copy of the complaints procedure in a form which is suitable for that person.

(7) The copy of the complaints procedure to be supplied in accordance with paragraph (5) shall include –

- (a) the name, address and telephone number of the Regulation and Improvement Authority; and
- (b) the procedure (if any) that has been notified by the Regulation and Improvement Authority to the registered person for the making of complaints to the Regulation and Improvement Authority relating to the residential care home.

(8) The registered person shall supply to the Regulation and Improvement Authority at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response.

Guidance for social care workers, nurses and health care professionals

25. The registered person shall ensure that –

- (a) the Codes of Practice for Social Care Workers and Employers of Social Care Workers and any other code prepared by the Northern Ireland Social Care Council (NISCC), a Code of Professional Conduct, Standards for Performance, Conduct and Ethics, and any other code of ethics or professional practice prepared by the Nursing and Midwifery Council or

a body which is responsible for regulation of members of a health care profession is made available, as appropriate, in the residential care home;

- (b) staff are supported to meet and maintain the standards and requirements of their relevant codes of practice;
- (c) appropriate action is taken when staff do not meet the expected standards of conduct in line with the relevant codes of practice.

Clinical trials and research

26. The registered person shall ensure that –

- (a) before any research involving residents or information about residents is undertaken in or for the purposes of the residential care home, a research proposal is prepared and approval is obtained from the appropriate Ethics Committee;
- (b) any clinical trial to be conducted in the home has been authorised in accordance with the Medicines for Human Use (Clinical Trials) Regulations 2004(3).