The Secretary of State, in exercise of the powers conferred upon him by sections 3(3), 22(1),
(2)(a) to (d) and (f) to (j), (5), (7)(a) to (h), (j) and (l), 25(1), 34(1), 35 and 118(5) to (7) of the Care
Standards Act 2000, and of all other powers enabling him in that behalf, having consulted such
persons as he considers appropriate, hereby makes the following Regulations:—

Part I
General

NOTES
Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1 Citation, commencement and extent

(1) These Regulations may be cited as the Care Homes Regulations 2001 and shall come
into force on 1st April 2002.

(2) These Regulations extend to England only.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see para (1) above.

Extent
These Regulations apply to England only: see para (2) above.

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

2 Interpretation

(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

[“the 1997 Act” means the Police Act 1997;]

[“the 2005 Act” means the Mental Capacity Act 2005 (c 9);]
[“Commission” means the Care Quality Commission;]

“environmental health authority” means the authority responsible for environmental health for the area in which the care home is situated;

[“fire and rescue authority” means, in relation to a care home, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the care home is situated;]

[“general practitioner” means a person who—

(a) provides primary medical services pursuant to Part I of the National Health Service Act 1977; or

(b) provides services which correspond to primary medical services provided under Part I of that Act, otherwise than in pursuance of that Act;]

“health care professional” means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999 applies or who is [a] [child psychotherapist];

“inspection report” means a report prepared in relation to the care home under section 32(5) of the Act;

[“lacks capacity” means lacks capacity within the meaning of the 2005 Act;]

“organisation” means a body corporate or any unincorporated association other than a partnership;

“registered manager”, in relation to a care home, means a person who is registered under Part II of the Act as the manager of the care home;

“registered person”, in relation to a care home, means any person who is the registered provider or registered manager in respect of the care home;

“registered provider”, in relation to a care home, means a person who is registered under Part II of the Act as a person carrying on the care home;

“relative”, in relation to any person, means—

(a) the person’s spouse [or civil partner];

(b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse [or civil partner];

(c) the spouse [or civil partner] of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, and references to “spouse [or civil partner]” in relation to any person include a former spouse [or civil partner] and a person who is living with the person as husband and wife [or as if they were civil partners];

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at the care home, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“responsible individual” shall be construed in accordance with regulation 7(2)(c)(i);
“service user” means any person accommodated in the care home who is in need of nursing or personal care by reason of disability, infirmity, past or present illness, past or present mental disorder or past or present dependence on alcohol or drugs;

“service user’s guide” means the written guide produced in accordance with regulation 5(1);

“service user’s plan” means the written plan prepared in accordance with regulation 15(1);

“staff” means persons employed by the registered person to work at the care home but does not include a volunteer or a person employed under a contract for services;

“statement of purpose” means the written statement compiled in accordance with regulation 4(1);

[“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales within the meaning of the Banking and Financial Dealings Act 1971].

(2) In these Regulations, unless the context otherwise requires, a reference—

(a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;

(b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;

(c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment and whether under a contract of service or a contract for services and allowing a person to work as a volunteer; and references to an employee or to a person being employed shall be construed accordingly.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).


Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

Para (1): definition “the 2005 Act” inserted by SI 2007/1898, art 6, Sch 1, para 28(1), (2)(a).


Date in force: 1 April 2009 (with effect until the coming into force of the repeal of the Care Standards Act 2000, ss 11, 30A(2)(b), 42(5), 113A): see SI 2009/462, arts 1(1)(b), 8, Sch 2, para 3.

Para (1): definition “fire and rescue authority” substituted, for definition “fire authority” as originally enacted, by SI 2004/3168, art 58(1), (2).

Date in force: 30 December 2004: see SI 2004/3168, art 1(1).
3 Excepted establishments

(1) For the purposes of the Act, an establishment is excepted from being a care home if—

(a) it is a health service hospital at which nursing is provided;

(b) it provides accommodation, together with nursing, and is vested—
   (i) in the Secretary of State for the purposes of his functions under the National Health Service Act 1977; or
   (ii) in an NHS trust; [or
   (iii) in an NHS foundation trust;]

(c) it is a university;

(d) it is an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992; . . .

(e) it is a [school; . . .]

(f) it does not provide accommodation except—
   (i) for a period or periods which do not exceed 28 days in aggregate during any period of 12 months; and
   (ii) for not more than 3 persons at any one time who fall within section 3(2) of the Act;

(g) it provides accommodation solely for a person (or persons) who—
   (i) was placed with a local authority foster parent (“the carer”) under the Children Act 1989;
   (ii) remained in that placement for a period of not less than 5 years immediately prior to his 18th birthday; and
(iii) continues to live with the carer after his 18th [birthday; or]

[(h) all the persons who are provided with care or support are the subject of placement agreements made under the Adult Placement Schemes (England) Regulations 2004.]

(2) For the purposes of paragraph (1), “university” includes—

(a) any university college;

(b) any college, or institution in the nature of a college, of a university.

(3) The exception in paragraph (1)(d) does not apply if—

(a) the establishment provides accommodation together with nursing or personal care to any person; and

(b) the number of such persons is more than one tenth of the number of students to whom it provides both education and accommodation.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Para (1): sub-para (b)(iii) and word “or” immediately preceding it inserted by SI 2004/696, art 3(1), Sch 1, para 40.


Para (1): in sub-para (d) word omitted revoked by SI 2003/1845, reg 2(1), (2)(a).

Para (1): in sub-para (e) words in square brackets beginning with the word “school” substituted by SI 2003/1845, reg 2(1), (2)(b).

Para (1): in sub-para (e) word omitted revoked by SI 2003/1845, reg 41, Sch 6, paras 1, 2(a).

Para (1): sub-para (f), (g) inserted by SI 2003/1845, reg 2(1), (2)(c).

Para (1): in sub-para (g)(iii) words “birthday; or” in square brackets substituted by SI 2004/2071, reg 41, Sch 6, paras 1, 2(b).

Para (1): sub-para (h) inserted by SI 2004/2071, reg 41, Sch 6, paras 1, 2(c).

4 Statement of purpose

(1) The registered person shall compile in relation to the care home a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of—

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(a) a statement of the aims and objectives of the care home;

(b) a statement as to the facilities and services which are to be provided by the registered person for service users; and

(c) a statement as to the matters listed in Schedule 1.

(2) The registered person shall supply a copy of the statement of purpose to the Commission and shall make a copy of it available on request for inspection by every service user and any representative of a service user.

(3) Nothing in regulation 16(1) or 23(1) shall require or authorise the registered person to contravene, or not to comply with—

(a) any other provision of these Regulations; or

(b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

NOTES

Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

5 Service user’s guide

(1) The registered person shall produce a written guide to the care home (in these Regulations referred to as “the service user’s guide”) which shall include—

(a) a summary of the statement of purpose;

(b) a description of the standard services offered by the care home to service users;

(ba) the terms and conditions (other than those relating to fees) in respect of the provision to service users of accommodation (including the provision of food), personal care and (if available) nursing care;

(bb) details of the total fee payable in respect of the services referred to in sub-paragraphs (b) and (ba) and the arrangements for the payment of such a fee;

(bc) the arrangements in place for charging and paying for any services additional to those mentioned in sub-paragraphs (b) and (ba);

(bd) a statement of whether any of the matters mentioned in sub-paragraphs (b) to (bc) would be different in circumstances where a service user’s care was being funded, in whole or in part, by a person other than the service user;

(c) a standard form of contract for the provision of services and facilities by the registered provider to service users;

(d) the most recent inspection report;
(e) a summary of the complaints procedure established under regulation 22;

(f) the address and telephone number of the Commission.

(2) The registered person shall supply a copy of the service user’s guide to the Commission and each service user.

[(2A) If a person other than a service user or the Commission requests a copy of the service user’s guide, [or an extract of any of the information contained within it,] the registered person shall either—

(a) make the service user’s guide available for inspection by that person at the care home; or

(b) supply a copy [of the guide or the extracted information, as applicable, to that person,]

[in either case, within five working days of the request being received by the care home].]

(3) Where a local authority has made arrangements for the provision of accommodation, nursing or personal care to the service user at the care home, the registered person shall supply to the service user a copy of the agreement specifying the arrangements made.

[(4) In paragraph (1)(bb), “total fee payable” means the fee payable before account is taken of any nursing contribution, as defined in regulation 5A(6), which may be payable by a Primary Care Trust in respect of a service user.]

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Para (1): sub-para (b), (ba)–(bd) substituted, for sub-para (b) as originally enacted, by SI 2006/1493, reg 2(1), (3)(a).

Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).

Para (2A): inserted by SI 2003/1703, reg 2(1), (2).

Date in force: 1 September 2003: see SI 2003/1703, reg 1(1).

Para (2A): words “or an extract of any of the information contained within it,” in square brackets inserted by SI 2006/1493, reg 2(1), (3)(b)(i).

Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).

Para (2A): in sub-para (b) words “of the guide or the extracted information, as applicable, to that person,” in square brackets substituted by SI 2006/1493, reg 2(1), (3)(b)(ii).

Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).

Para (2A): words “in either case, within five working days of the request being received by the care home” in square brackets inserted by SI 2006/1493, reg 2(1), (3)(b)(iii).

Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).


Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).

[5A Information about fees]
(2) The registered person shall provide to each person who becomes a service user on or after 1st September 2006, by not later than the day on which he becomes a service user, a statement specifying—

(a) the fees payable by or in respect of the service user for the provision to the service user of any of the following services—
   (i) accommodation, including the provision of food;
   (ii) nursing; and
   (iii) personal care,

and, except where a single fee is payable for those services, the services to which each fee relates;

(b) the method of payment of the fees and the person or persons by whom the fees are payable.

(3) The registered person shall notify the service user of—

(a) any increase in the fees referred to in paragraph (2)(a) and payable by or in respect of the service user, together with a statement of the reasons for such increase;

(b) any variation in the matters referred to in paragraph (2)(b).

[(3A) Notification under paragraph (3) shall be given—

(a) if it is practicable to do so, at least one month in advance of the increase or variation concerned; or

(b) in any other case, as soon as it is practicable to do so.]

(4) Where applicable, the registered person shall inform the service user—

(a) if it is practicable to do so, by not later than 28 days after the day on which he becomes a service user; or

(b) in any other case, as soon as it becomes practicable to do so,

as to whether a nursing contribution is to be paid in respect of nursing to be provided at the care home to the service user.

(5) Where a nursing contribution is paid in respect of nursing provided at the care home to the service user, the registered person shall provide to the service user a statement specifying—

(a) the date of payment and the amount of the nursing contribution; and

(b) either—

   (i) the date (if any) on which the registered person is to pay the amount of the nursing contribution to the service user or deduct that amount from the fees referred to in paragraph (2)(a); or

   (ii) if the nursing contribution is not to be so paid or deducted, whether and if so how it is taken into account for the purpose of calculating
(6) In this regulation, “nursing contribution” means a payment by a Primary Care Trust to the
registered person in respect of nursing to be provided to a service user at the care home, but
does not include a payment where—

(a) the Primary Care Trust has made arrangements with the care home for the provision
of accommodation to the service user; and

(b) the payment relates to any period for which under those arrangements
accommodation is provided at the care home to the service user.

NOTES
Amendment
Inserted by SI 2003/1703, reg 2(1), (3).
Date in force: 1 September 2003: see SI 2003/1703, reg 1(1).
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).
Para (2): words “person who becomes a service user on or after 1st September 2006” in
square brackets substituted by SI 2006/1493, reg 2(1), (4)(b).
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).
Para (3): in sub-para (a) words “”, together with a statement of the reasons for such
increase” in square brackets inserted by SI 2006/1493, reg 2(1), (4)(c)(ii).
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).
Para (4): words “Where applicable,” in square brackets inserted by SI 2006/1493, reg 2(1),
(4)(e).
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).

[5B Existing service users: transitory provisions]

(1) For the purposes of this regulation, an existing service user is a service user who is
accommodated in a care home immediately prior to 1st September 2006.

(2) Except where such information has already been provided, the registered person shall,
no later than 1st October 2006—

(a) provide to each existing service user the information referred to in regulation 5A(2)(a)
and (b);

(b) inform each existing service user as to whether a nursing contribution is paid in
respect of nursing being provided to him at the care home; and

(c) where a nursing contribution is so paid, provide him with a statement specifying the
information referred to in regulation 5A(5)(a) and (b), as modified in accordance with
paragraph (3).

(3) The modifications referred to in paragraph (2)(c) are as if—

(a) in sub-paragraph (b)(i), for “is to pay” there were substituted “pays” and for “deduct”
there were substituted “deducts”; and

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(b) in sub-paragraph (b)(ii), “to be” were omitted.

(4) In this regulation, “nursing contribution” has the same meaning as in regulation 5A, subject to the omission of “to be”.

NOTES
Amendment
Inserted by SI 2006/1493, reg 2(1), (5).  
Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).  
Revoked by SI 2010/807, art 23, Sch 2.  
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

6 Review of statement of purpose and service user’s guide

The registered person shall—

(a) keep under review and, where appropriate, revise the statement of purpose and the service user’s guide; and

(b) notify the Commission and service users of any such revision within 28 days.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.  
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

See Further
See further, in relation to disapplication of para (b) above in the case of a revision made solely for the purpose of substituting the address and telephone number of the Care Quality Commission for those of the CSCI: the Health and Social Care Act 2008 (Commencement No 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009, art 8, Sch 2, paras 1–3, 9(1)(b), (2)(b).

Part II
Registered Persons

NOTES
Amendment
Revoked by SI 2010/807, art 23, Sch 2.  
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

7 Fitness of registered provider

(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 and 7 of Schedule 2;

(ii) . . .

(iii) . . . .

(4) . . .

(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.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Para (3): in sub-para (c)(i) words “and 7” in square brackets inserted by SI 2002/865, reg 2(1), (2)(a)(i).

Date in force: 18 April 2002: see SI 2002/865, reg 1(1).
8 Appointment of manager

(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.

NOTES

Initial Commencement

Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

9 Fitness of registered manager

(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 [and 7] of Schedule 2;
10 Registered person: general requirements

(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.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Para (2): in sub-para (c)(i) words “and 7” in square brackets inserted by SI 2002/865, reg 2(1), (3)(a)(i).

Date in force: 18 April 2002: see SI 2002/865, reg 1(1).

Para (2): sub-para (c)(ii), (iii) revoked by SI 2002/865, reg 2(1), (3)(a)(ii).

Date in force: 18 April 2002: see SI 2002/865, reg 1(1).


Date in force: 18 April 2002: see SI 2002/865, reg 1(1).
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.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Part III

Conduct of Care Home

NOTES

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

12 Health and welfare of service users

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

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

(2) The registered person shall so far as practicable enable service users 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 service users, and making proper provision for their health and welfare, so far as practicable ascertain and take into account their wishes and feelings.

(4) The registered person shall make suitable arrangements to ensure that the care home is conducted—

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

(5) The registered provider and registered manager (if any) shall, in relation to the conduct of the care home—
(a) maintain good personal and professional relationships with each other and with service users and staff; and

(b) encourage and assist staff to maintain good personal and professional relationships with service users.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only; see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

13 Further requirements as to health and welfare

(1) The registered person shall make arrangements for service users—

(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.

(2) The registered person shall make arrangements for the recording, handling, safekeeping, safe administration and disposal of medicines received into the care home.

(3) The registered person shall make suitable arrangements to prevent infection, toxic conditions and the spread of infection at the care home.

(4) The registered person shall ensure that—

(a) all parts of the home to which service users have access are so far as reasonably practicable free from hazards to their safety;

(b) any activities in which service users participate are so far as reasonably practicable free from avoidable risks; and

(c) unnecessary risks to the health or safety of service users are identified and so far as possible eliminated,

and shall make suitable arrangements for the training of staff in first aid.

(5) The registered person shall make suitable arrangements to provide a safe system for moving and handling service users.

(6) The registered person shall make arrangements, by training staff or by other measures, to prevent service users being harmed or suffering abuse or being placed at risk of harm or abuse.

(7) The registered person shall ensure that no service user is subject to physical restraint unless—

(a) restraint of the kind employed is the only practicable means of securing the welfare of that or any other service user and there are exceptional circumstances; or
(b) in the case of a person who lacks capacity in relation to the matter in question, the act meets the conditions of section 6 of the 2005 Act.]

(8) On any occasion on which a service user is subject to physical restraint, the registered person shall record the circumstances, including the nature of the restraint.

NOTES

Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
Para (7): substituted by SI 2007/1898, art 6, Sch 1, para 28(1), (3).

14 Assessment of service users

(1) The registered person shall not provide accommodation to a service user at the care home unless, so far as it shall have been practicable to do so—

(a) needs of the service user have been assessed by a suitably qualified or suitably trained person;
(b) the registered person has obtained a copy of the assessment;
(c) there has been appropriate consultation regarding the assessment with the service user or a representative of the service user;
(d) the registered person has confirmed in writing to the service user that having regard to the assessment the care home is suitable for the purpose of meeting the service user’s needs in respect of his health and welfare.

(2) The registered person shall ensure that the assessment of the service user’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.

NOTES

Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

15 Service user’s plan

(1) Unless it is impracticable to carry out such consultation, the registered person shall, after
consultation with the service user, or a representative of his, prepare a written plan ("the service user’s plan") as to how the service user’s needs in respect of his health and welfare are to be met.

(2) The registered person shall—

(a) make the service user’s plan available to the service user;

(b) keep the service user’s plan under review;

(c) where appropriate and, unless it is impracticable to carry out such consultation, after consultation with the service user or a representative of his, revise the service user’s plan; and

(d) notify the service user of any such revision.

NOTES
Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

16 Facilities and services

(1) Subject to regulation 4(3), the registered person shall provide facilities and services to service users in accordance with the statement required by regulation 4(1)(b) in respect of the care home.

(2) The registered person shall having regard to the size of the care home and the number and needs of service users—

(a) provide, so far as is necessary for the purpose of managing the care home—
   (i) appropriate telephone facilities;
   (ii) appropriate facilities for communication by facsimile transmission;

(b) provide telephone facilities which are suitable for the needs of service users, and make arrangements to enable service users to use such facilities in private;

(c) provide in rooms occupied by service users adequate furniture, bedding and other furnishings, including curtains and floor coverings, and equipment suitable to the needs of service users and screens where necessary;

(d) permit service users, so far as it is practicable to do so, 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 practicable to do so, provide adequate facilities for service users 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) provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils, and adequate facilities for the preparation and storage of food;

(h) provide adequate facilities for service users to prepare their own food and ensure that such facilities are safe for use by service users;

(i) provide, in adequate quantities, suitable, wholesome and nutritious food which is varied and properly prepared and available at such time as may reasonably be required by service users;

(j) after consultation with the environmental health authority, make suitable arrangements for maintaining satisfactory standards of hygiene in the care home;

(k) keep the care home free from offensive odours and make suitable arrangements for the disposal of general and clinical waste;

(l) provide a place where the money and valuables of service users may be deposited for safe keeping, and make arrangements for service users to acknowledge in writing the return to them of any money or valuables so deposited;

(m) consult service users 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) consult service users about the programme of activities arranged by or on behalf of the care home, and provide facilities for recreation including, having regard to the needs of service users, activities in relation to recreation, fitness and training.

(3) The registered person shall ensure that so far as practicable service users have the opportunity to attend religious services of their choice.

(4) In this regulation “food” includes drink.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

17 Records

(1) The registered person shall—

(a) maintain in respect of each service user a record which includes the information, documents and other records specified in Schedule 3 relating to the service user;

(b) ensure that the record referred to in sub-paragraph (a) is kept securely in the care home.

(2) The registered person shall maintain in the care 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 care home by any person authorised by the Commission to enter and inspect the care home.

(4) The records referred to in paragraphs (1) and (2) shall be retained for not less than three years from the date of the last entry.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

18 Staffing

(1) The registered person shall, having regard to the size of the care home, the statement of purpose and the number and needs of service users—

(a) ensure that at all times suitably qualified, competent and experienced persons are working at the care home in such numbers as are appropriate for the health and welfare of service users;

(b) ensure that the employment of any persons on a temporary basis at the care home will not prevent service users 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 care home receive—

(i) training appropriate to the work they are to perform [including structured induction training]; and

(ii) suitable assistance, including time off, for the purpose of obtaining further qualifications appropriate to such work.

(2) The registered person shall ensure that—

(a) persons working at the care home are appropriately supervised; and

(b) for the duration of a new worker’s induction training—

(i) a member of staff ("the staff member"), who is appropriately qualified and experienced, is appointed to supervise the new worker;

(ii) as far as is practicable, the staff member is on duty at the same time as the new worker; and
(iii) the new worker does not escort any service user away from the care home premises unless accompanied by the staff member.

(3) Where the care home—

(a) provides nursing to service users; and

(b) provides, whether or not in connection with nursing, medicines or medical treatment to service users,

the registered person shall ensure that at all times a suitably qualified registered nurse is working at the care home.

(4) The registered person shall make arrangements for providing persons who work at the care home with appropriate information about any code of practice published under section 62 of the Act.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Para (1): in sub-para (c)(i) words “including structured induction training” in square brackets inserted by SI 2004/1770, reg 2(1), (3)(a).


Date in force: 1 October 2010: see SI 2004/1770, reg 1(1).


Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

Para (6), (8) and (9), he has obtained in respect of that person the information and documents specified in paragraphs 1 to 9 of Schedule 2;

(c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 5 of Schedule 2 in respect of that person.

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

(3) This paragraph applies to a position in which a person may in the course of his duties have regular contact with service users at the care home or with any other person of a description specified in section 3(2) of the Act.

(4) [Subject to paragraph (4A),] the registered person shall not allow a person to whom
(2) applies to work at the care home in a position to which paragraph (3) applies, unless—

(a) the person is fit to work at the care home;

(b) the employer has obtained in respect of that person the information and documents specified in—

(i) paragraphs [1 to 9] of Schedule 2;

(ii) . . .

(iii) . . .

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 5 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied.

(4A) In the circumstances to which paragraph (7) of regulation 12 of the Nurses Agencies Regulations 2002 applies, with the result that an enhanced criminal record certificate pursuant to section 113B of the 1997 Act is not yet available in respect of a person to whom paragraph (2) applies, the registered person may allow that person to start work at a care home in a position to which paragraph (3) applies pending receipt of, and satisfying himself with regard to, that outstanding information.

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

(a) he is of integrity and good character;

(b) he has qualifications 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 which he is to perform at the care home; and

(d) [subject to paragraphs (4A), (6), (8) and (9),] 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 9] of Schedule 2;

(ii) . . .

(iii) . . .

(6) Paragraphs (1)(b) and (5)(d), in so far as they relate to paragraph 7 of Schedule 2, shall not apply until [31st October 2004] in respect of a person who immediately before 1st April 2002 is employed to work at the care home.

(7) . . .

(7) . . .

(8) Where paragraph (7) applies, paragraphs (1)(b) and (5)(d), in so far as they relate to the
following provisions specified in paragraph 7 of Schedule 2, namely—

(i) section 113(3C)(a) and (b) of the 1997 Act; or

(ii) section 115(6B)(a) and (b) of that Act,

shall not apply in relation to the existing worker for as long as he remains in the care position mentioned in paragraph (7)(a).

(9) Where the conditions set out in paragraph (10) are satisfied, the registered person may permit a person ("the new worker") to start work at a care home notwithstanding that paragraphs (1)(b) and (5)(d) have not been complied with in so far as they relate to paragraph 7 of Schedule 2.

[(10) The conditions are—

(a) the new worker will not be engaging in regulated activity relating to children;

(b) an enhanced criminal record certificate has been applied for in respect of the new worker pursuant to section 113B of the 1997 Act; and

(c) notification has been received under section 113E(4)(a) of the 1997 Act that the new worker is not included on a specified adults' list (within the meaning of section 113E of that Act).]

(11) Where a registered person permits a new worker to start work pursuant to paragraph (9) the registered person shall—

(a) appoint a member of staff ("the staff member"), who is appropriately qualified and experienced, to supervise the new worker pending receipt of, and satisfying himself with regard to, the outstanding information in relation to a criminal record certificate;

(b) so far as is possible, ensure that the staff member is on duty at the same time as the new worker; and

(c) ensure that the new worker does not escort service users away from the care home premises unless accompanied by the staff member.]

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).


Date in force: 18 April 2002: see SI 2002/865, reg 1(1).

Para (1): sub-para (b) substituted by SI 2004/1770, reg 2(1), (4)(a).

Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

Para (4): words “Subject to paragraph (4A),” in square brackets inserted by SI 2004/1770, reg 2(1), (4)(b)(i).

Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

Para (4): in sub-para (b)(i) words “1 to 9” in square brackets substituted by SI 2004/1770, reg 2(1), (4)(b)(ii).

Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).
20 Restrictions on acting for service user

(1) Subject to paragraph (2), the registered person shall not pay money belonging to any service user into a bank account unless—

(a) the account is in the name of the service user, or any of the service users, 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 care home.

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

(3) The registered person shall ensure so far as practicable that persons working at the care home do not act as the agent of a service user.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
21 Staff views as to conduct of care home

(1) This regulation applies to any matter relating to the conduct of the care home so far as it may affect the health or welfare of service users.

(2) The registered person shall make arrangements to enable staff to inform the registered person and the Commission of their views about any matter to which this regulation applies.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

22 Complaints

(1) The registered person shall establish a procedure ("the complaints procedure") for considering complaints made to the registered person by a service user or person acting on the service user’s behalf.

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

(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 action (if any) that is to be taken.

(5) The registered person shall supply a written copy of the complaints procedure to every service user and to any person acting on behalf of a service user if that person so requests.

(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 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 paragraphs (5) and (6) shall include—

(a) the name, address and telephone number of the Commission; and

(b) the procedure (if any) that has been notified by the Commission to the registered person for the making of complaints to the Commission relating to the care home.

(8) The registered person shall supply to the Commission 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.

NOTES
Initial Commencement


Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Part IV
Premises

NOTES

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

23 Fitness of premises

(1) Subject to regulation 4(3), the registered person shall not use premises for the purposes of a care home unless—

(a) the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose; and

(b) the location of the premises is appropriate to the needs of service users.

(2) The registered person shall having regard to the number and needs of the service users ensure that—

(a) the physical design and layout of the premises to be used as the care home meet the needs of the service users;

(b) the premises to be used as the care home are of sound construction and kept in a good state of repair externally and internally;

(c) equipment provided at the care home for use by service users or persons who work at the care home [is] maintained in good working order;

(d) all parts of the care home are kept clean and reasonably decorated;

(e) adequate private and communal accommodation is provided for service users;

(f) the size and layout of rooms occupied or used by service users are suitable for their needs;

(g) there is adequate sitting, recreational and dining space provided separately from the service user’s private accommodation;

(h) the communal space provided for service users is suitable for the provision of social, cultural and religious activities appropriate to the circumstances of service users;

(i) suitable facilities are provided for service users to meet visitors in communal accommodation, and in private accommodation which is separate from the service users’ own private rooms;

(j) there are provided at appropriate places in the premises sufficient numbers of

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lavatories, and of wash-basins, baths and showers fitted with a hot and cold water supply;

(k) any necessary sluicing facilities are provided;

(l) suitable provision is made for storage for the purposes of the care home;

(m) suitable storage facilities are provided for the use of service users;

(n) suitable adaptations are made, and such support, equipment and facilities, including passenger lifts, as may be required are provided, for service users who are old, infirm or physically disabled;

(o) external grounds which are suitable for, and safe for use by, service users are provided and appropriately maintained;

(p) ventilation, heating and lighting suitable for service users is provided in all parts of the care home which are used by service users.

(3) The registered person shall provide for staff—

(a) suitable facilities and accommodation, other than sleeping accommodation, including—

   (i) facilities for the purpose of changing;

   (ii) storage facilities;

(b) sleeping accommodation where the provision of such accommodation is needed by staff in connection with their work at the care home.

(4) Subject to paragraph (4A) the registered person shall after consultation with the [fire and rescue authority]—

(a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment;

(b) provide adequate means of escape;

(c) make adequate arrangements—

   (i) for detecting, containing and extinguishing fires;

   (ii) for giving warnings of fires;

   (iii) for the evacuation, in the event of fire, of all persons in the care home and safe placement of service users;

   (iv) for the maintenance of all fire equipment; and

   (v) for reviewing fire precautions, and testing fire equipment, at suitable intervals;

(d) make arrangements for persons working at the care home to receive suitable training in fire prevention; and

(e) to ensure, by means of fire drills and practices at suitable intervals, that the persons working at the care home and, so far as practicable, service users, are aware of the
procedure to be followed in case of fire, including the procedure for saving life.

[(4A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the care home—

(a) paragraph (4) does not apply; and

(b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the care home.]

(5) The registered person shall undertake appropriate consultation with the authority responsible for environmental health for the area in which the care home is situated.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Para (2): in sub-para (c) word “is” in square brackets substituted by SI 2002/865, reg 3(1), (2).

Para (4): words “Subject to paragraph (4A) the registered person” in square brackets substituted by SI 2005/1541, art 53(1), Sch 3, para 8(a).

Para (4): words “fire and rescue authority” in square brackets substituted by SI 2004/3168, art 58(1), (3).

Para (4A): inserted by SI 2005/1541, art 53(1), Sch 3, para 8(b).

Part V

Management

NOTES

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Para (4): in sub-para (c) word “is” in square brackets substituted by SI 2002/865, reg 3(1), (2).

Para (4): words “Subject to paragraph (4A) the registered person” in square brackets substituted by SI 2005/1541, art 53(1), Sch 3, para 8(a).

Para (4): words “fire and rescue authority” in square brackets substituted by SI 2004/3168, art 58(1), (3).

Para (4A): inserted by SI 2005/1541, art 53(1), Sch 3, para 8(b).

[24 Quality of services]

[(1) The registered person shall establish and maintain a system for evaluating the quality of the services provided at the care home.

(2) At the request of the Commission, the registered person shall supply to it a report, based upon the system referred to in paragraph (1), which describes the extent to which, in the reasonable opinion of the registered person, the care home—

(a) provides good quality services for service users;]
(b) takes the views of service users and their representatives into account in deciding—

(i) what services to offer to them, and

(ii) the manner in which such services are to be provided; and

(c) has responded to recommendations made or requirements imposed by the Commission in relation to the care home over the period specified in the request.

(3) The report referred to in paragraph (2) shall be supplied to the Commission within one month of the receipt by the care home of the request referred to in that paragraph, and in the form and manner required by the Commission.

(4) The report shall also contain details of the measures that the registered person considers it necessary to take in order to improve the quality and delivery of the services provided in the care home.

(5) The system referred to in paragraph (1) shall provide for consultation with service users and their representatives.]

NOTES
Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Substituted by SI 2006/1493, reg 2(1), (6).
   Date in force: 1 July 2006: see SI 2006/1493, reg 1(2).
Revoked by SI 2010/807, art 23, Sch 2.
   Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

[24A Improvement plan]

[(1) If requested to do so by the Commission, the registered person shall produce a plan (the improvement plan) setting out the methods by which, and the timetable to which, the registered person intends to improve the services provided in the care home.

(2) The registered person shall provide a written copy of the improvement plan to the Commission within one month of receipt of the request referred to in paragraph (1).

(3) A copy of the plan shall be made available to—

(a) service users and their representatives; and

(b) where children are accommodated in the care home, the parents of the children so accommodated and, in relation to those children, the placing authorities.]

NOTES
Amendment
Inserted by SI 2006/1493, reg 2(1), (7).
   Date in force: 1 July 2006: see SI 2006/1493, reg 1(2).
Revoked by SI 2010/807, art 23, Sch 2.
   Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

25 Financial position

(1) The registered provider shall carry on the care home in such manner as is likely to ensure that the care home will be financially viable for the purpose of achieving the aims and
objectives set out in the statement of purpose.

(2) The registered person shall, if the Commission so requests, provide the Commission with such information and documents as it may require for the purpose of considering the financial viability of the care home, including—

(a) the annual accounts of the care home certified by an accountant;
(b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
(c) information as to the financing and financial resources of the care home;
(d) where the registered provider is a company, information as to any of its associated companies;
(e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the care home in respect of death, injury, public liability, damage or other loss.

(3) The registered person shall—

(a) ensure that adequate accounts are maintained in respect of the care home and kept up to date;
(b) ensure that the accounts give details of the running costs of the care home, including rent, payments under a mortgage and expenditure on food, heating and salaries and wages of staff; and
(c) supply a copy of the accounts to the Commission at its request.

(4) In this regulation a company is an associated company of another if one of them has control of the other or both are under the control of the same person.

NOTES

Initial Commencement

Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

26 Visits by registered provider

(1) Where the registered provider is an individual, but not in day to day charge of the care home, he shall visit the care home in accordance with this regulation.

(2) Where the registered provider is an organisation or partnership, the care home shall be visited in accordance with this regulation by—

(a) the responsible individual or one of the partners, as the case may be;
(b) another of the directors or other persons responsible for the management of the organisation or partnership; or
(c) an employee of the organisation or the partnership who is not directly concerned with the conduct of the care home.

(3) Visits under paragraph (1) or (2) shall take place at least once a month and shall be unannounced.

(4) The person carrying out the visit shall—

(a) interview, with their consent and in private, such of the service users and their representatives and persons working at the care home as appears necessary in order to form an opinion of the standard of care provided in the care home;

(b) inspect the premises of the care home, its record of events and records of any complaints; and

(c) prepare a written report on the conduct of the care home.

(5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to—

(a) the Commission;

(b) the registered manager; and

(c) in the case of a visit under paragraph (2)—

(i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and

(ii) where the registered provider is a partnership, to each of the partners.

NOTES

Initial Commencement

**Specified date**

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Part VI

Children

NOTES

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

27 Application of this Part

The provisions of this Part shall apply where any child is accommodated in the care home.
28 Interpretation

In regulation 2, paragraph (1) shall have effect as if—

(a) at the end of the definition of “service user” there were added the words “, or any child who is accommodated in the care home”;

(b) the following definitions were added at the appropriate places—

“placement plan” has the meaning given to it in regulation 12 (child’s placement plan) of the Children’s Homes Regulations 2001;

“placing authority” has the meaning given to it in regulation 2(1) (interpretation) of the Children’s Homes Regulations 2001;”.

29 Statement of purpose

In regulation 4, paragraph (1) shall have effect as if at the end of that paragraph there were added the following—

“and

(d) the information specified in Schedule 5.”.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
30 Registered person

(1) In regulation 7, paragraph (3) shall have effect as if at the end of that paragraph there were added the following—

“and

(d) his skills and experience are suitable for the purpose of his working with children.”.

(2) In regulation 9, paragraph (2) shall have effect as if at the end of that paragraph there were added the following—

“and

(d) his skills and experience are suitable for the purpose of his working with children and either—

(i) his qualifications are suitable for the purpose of his working with children; or

(ii) another person has been appointed for the purpose of assisting him in the management of the care home, and the qualifications of the person so appointed are suitable for the purpose of his working with children.”.

(3) In regulation 10, paragraph (1) shall have effect as if for the words “and the number and needs of the service users,” there were substituted the words “the number and needs of the service users and the need to safeguard and promote the welfare of children accommodated in the care home.”.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

31 Separate provision for children

(1) Subject to paragraph (2), the registered person shall ensure that—

(a) the provision to be made for the care, treatment and supervision of children accommodated in the care home; and

(b) the provision of facilities and services to them,

shall, so far as it is practicable to do so, be made separately from other service users.

(2) Paragraph (1) shall not prevent the registered person from making provision jointly for children and other service users whose age does not significantly differ from those children.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

32 Welfare and protection of children

(1) Regulation 12 of these Regulations shall have effect as if, at the end of sub-paragraph (a) of paragraph (1) of that regulation there were added the words “including provision for safeguarding the welfare of children accommodated in the care home”.

(2) The provisions of regulations 12, 15 to 18, 23 and 30 of, and Schedule 5 to, the Children’s Homes Regulations 2001 (child’s placement plan; contact and access to communications; arrangements for the protection of children; behaviour management, discipline and restraint; education, employment and leisure activity; hazards and safety; notifiable events) shall apply to the registered person as if—

(a) any reference to the registered person were to the registered person as defined in these Regulations;

(b) any reference to the children’s home or the home were to the care home.

(3) Where the registered person notifies the Commission in accordance with regulation 30 of the Children’s Homes Regulations 2001 of any of the following events, namely—

(a) serious illness or a serious accident sustained by a child accommodated at the care home;

(b) the outbreak of any infectious disease at the care home or involving children accommodated at the care home,

he will not be required to give separate notice of that event to the Commission under regulation 37 (notification of death, illness and other events) of these Regulations.

NOTES

Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

[33 Fitness of workers]

Regulation 19 shall have effect as if, at the end of paragraph (5), there were added the following—

“and

(e) his qualifications, skills and experience are suitable for the purpose of working with
34 Staff disciplinary procedure

The registered person shall operate a staff disciplinary procedure which, in particular—

(a) provides for the suspension of an employee of his where necessary in the interests of the safety or welfare of children accommodated in the care home; and

(b) provides that the failure on the part of an employee of his to report an incident of abuse, or suspected abuse of a child accommodated in the care home to an appropriate person is a ground on which disciplinary proceedings may be instituted.

NOTES
Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Substituted by SI 2004/1770, reg 2(1), (5).
Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

35 Assessment of quality of services

[Regulation 24 shall have effect as if—

(a) the system referred to in paragraph (1) of regulation 24 included monitoring at appropriate intervals the matters set out in Schedule 7; and

(b) in paragraphs (2)(b) and (5) of regulation 24, for “and their representatives” there were substituted “, their representatives, the parents of the children accommodated at the care home and, in relation to those children, the placing authorities.”]

NOTES
Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Substituted by SI 2006/1493, reg 2(1), (8).
Date in force: 1 July 2006: see SI 2006/1493, reg 1(2).
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

36 Offences

Regulation 43 shall have effect as if for paragraph (1) there were substituted the following
paragraph—

“(1) A contravention or failure to comply with any of the following provisions shall be an offence—

(a) regulations 4, 5, [5A,] [5B,] 11, 12(1) to (4), 13(1) to (4) and (6) to (8), 14, 15, 16(1), (2)(a) to (j) and (l) to (n) and (3), 17 to 26 and 37 to 40, to the extent that those regulations have effect subject to Part VI of these Regulations;

(b) regulations 31 and 34; and

(c) the provisions referred to in paragraph (2) of regulation 32, to the extent that they apply to the registered person by virtue of that paragraph.”.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Reference to “5A,” in square brackets inserted by SI 2003/1703, reg 2(1), (4).

Date in force: 1 September 2003: see SI 2003/1703, reg 1(1).

Reference to “5B,” in square brackets inserted by SI 2006/1493, reg 2(1), (9).

Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).

Part VII

Miscellaneous

NOTES

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

37 Notification of death, illness and other events

(1) The registered person shall give notice to the Commission without delay of the occurrence of—

(a) the death of any service user, including the circumstances of his death;

(b) the outbreak in the care home of any infectious disease which in the opinion of any registered medical practitioner attending persons in the care home is sufficiently serious to be so notified;

(c) any serious injury to a service user;

(d) serious illness of a service user at a care home at which nursing is not provided;

(e) any event in the care home which adversely affects the well-being or safety of any service user;

(f) any theft, burglary or accident in the care home;
(g) any allegation of misconduct by the registered person or any person who works at the care home.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

NOTES

Initial Commencement

Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

38 Notice of absence

(1) Where—

(a) the registered provider, if he is an individual; or
(b) the registered manager,

proposes to be absent from the care home for a continuous period of 28 days or more, the registered person shall give notice in writing to the Commission of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) above shall be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the Commission and the notice shall specify—

(a) the length or expected length of the absence;
(b) the reason for the absence;
(c) the arrangements which have been made for the running of the care home during that absence;
(d) the name, address and qualifications of the person who will be responsible for the care home during that absence; and
(e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the care home during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where—

(a) the registered provider, if he is an individual; or
(b) the registered manager,
has been absent from the care home for a continuous period of 28 days or more, and the Commission has not been given notice of the absence, the registered person shall without delay give notice in writing to the Commission of the absence, specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the Commission of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

39 Notice of changes

The registered person shall give notice in writing to the Commission as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

(a) a person other than the registered person carries on or manages the care home;

(b) a person ceases to carry on or manage the care home;

(c) where the registered person is an individual, he changes his name;

(d) where the registered provider is a partnership, there is any change in the membership of the partnership;

(e) where the registered provider is an organisation—

(i) the name or address of the organisation is changed;

(ii) there is any change of director, manager, secretary or other similar officer of the organisation;

(iii) there is to be any change of responsible individual;

(f) where the registered provider is an individual, a trustee in bankruptcy is appointed;

(g) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or

(h) the premises of the care home are significantly altered or extended, or additional premises are acquired.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).
Amendment
Revised by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

40 Notice of termination of accommodation

(1) Subject to paragraph (2), the registered person shall not terminate the arrangements for the accommodation of a service user unless he has given reasonable notice of his intention to do so to—

(a) the service user;

(b) the person who appears to be the service user’s next of kin; and

(c) where a local authority has made arrangements for the provision of accommodation, nursing or personal care to the service user at the care home, that authority.

(2) If it is impracticable for the registered person to comply with the requirement in paragraph (1)—

(a) he shall do so as soon as it is practicable to do so; and

(b) he shall provide to the Commission a statement as to the circumstances which made it impracticable for him to comply with the requirement.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revised by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

41 Appointment of liquidators etc

(1) Any person to whom paragraph (2) applies must—

(a) forthwith notify the Commission of his appointment, indicating the reasons for it;

(b) appoint a manager to take full-time day to day charge of the care home in any case where there is no registered manager; and

(c) within 28 days of his appointment notify the Commission of his intentions regarding the future operation of the care home.

(2) This paragraph applies to any person appointed as—

(a) the receiver or manager of the property of a company or partnership which is a registered provider in respect of a care home;

(b) a liquidator or provisional liquidator of a company which is a registered provider of a care home; or

(c) the trustee in bankruptcy of a registered provider of a care home.
NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

42 Death of registered person

(1) If more than one person is registered in respect of a care home, and a registered person dies, the surviving registered person shall without delay notify the Commission of the death in writing.

(2) If only one person is registered in respect of a care home, and he dies, his personal representatives shall notify the Commission in writing—

(a) without delay of the death; and

(b) within 28 days of their intentions regarding the future running of the home.

(3) The personal representatives of the deceased registered provider may carry on the care home without being registered in respect of it—

(a) for a period not exceeding 28 days; and

(b) for any further period as may be determined in accordance with paragraph (4).

(4) The Commission may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the Commission shall determine, and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to take full-time day to day charge of the home during any period in which, in accordance with paragraph (3), they carry on the care home without being registered in respect of it.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

43 Offences

(1) A contravention or failure to comply with any of the provisions of regulations 4, 5, [5A], [5B] 11, 12(1) to (4), 13(1) to (4) and (6) to (8), 14, 15, 16(1), (2)(a) to (j) and (1) to (n) and (3), 17 to 26 and 37 to 40, shall be an offence.
(2) The Commission shall not bring proceedings against a person in respect of any contravention or failure to comply with those regulations unless—

(a) subject to paragraph (4), he is a registered person;

(b) notice has been given to him in accordance with paragraph (3);

(c) the period specified in the notice, within which the registered person may make representations to the Commission, has expired; and

(d) in a case where, in accordance with paragraph (3)(b), the notice specifies any action that is to be taken within a specified period, the period has expired and the action has not been taken within that period).

(3) Where the Commission considers that the registered person has contravened or failed to comply with any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—

(a) in what respect in its opinion the registered person has contravened or is contravening any of the regulations, or has failed or is failing to comply with the requirements of any of the regulations;

(b) where it is practicable for the registered person to take action for the purpose of complying with any of those regulations, the action which, in the opinion of the Commission, the registered person should take for that purpose;

(c) the period, not exceeding three months, within which the registered person should take any action specified in accordance with sub-paragraph (b);

(d) the period, not exceeding one month, within which the registered person may make representations to the Commission about the notice.

(4) The Commission may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 17 and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
  Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
  Date in force: 1 September 2003: see SI 2003/1703, reg 1(1).
Para (1): reference to “5B,” in square brackets inserted by SI 2006/1493, reg 2(1), (9).
  Date in force: 1 September 2006: see SI 2006/1493, reg 1(3).
Para (2): sub-paras (c), (d) substituted by SI 2002/865, reg 3(1), (3)(a).
  Date in force: 18 April 2002: see SI 2002/865, reg 1(1).
Para (3): sub-paras (b)–(d) substituted by SI 2002/865, reg 3(1), (3)(b).
  Date in force: 18 April 2002: see SI 2002/865, reg 1(1).

44 Compliance with regulations
Where there is more than one registered person in respect of a care home, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

NOTES
Initial Commencement
   Specified date
   Specified date: 1 April 2002: see reg 1(1).

Extent
   These Regulations apply to England only: see reg 1(2).

Amendment
   Revoked by SI 2010/807, art 23, Sch 2.
   Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

45 . . .
   ...

NOTES
   Amendment
   Revoked by SI 2004/2071, reg 41, Sch 6, paras 1, 3.
   Date in force: 31 August 2004: see SI 2004/2071, reg 1(1); for transitional and savings provisions see reg 45, Sch 10 thereto.

46 . . .
   ...

NOTES
   Amendment
   Revoked by SI 2004/2071, reg 41, Sch 6, paras 1, 3.
   Date in force: 31 August 2004: see SI 2004/2071, reg 1(1); for transitional and savings provisions see reg 45, Sch 10 thereto.

[47 . . .]
   [. . .]

NOTES
   Amendment
   Inserted by SI 2003/1845, reg 5.
   Date in force: 1 August 2003: see SI 2003/1845, reg 1(1).
   Revoked by SI 2004/2071, reg 41, Sch 6, paras 1, 3.
   Date in force: 31 August 2004: see SI 2004/2071, reg 1(1); for transitional and savings provisions see reg 45, Sch 10 thereto.

Signed by authority of the Secretary of State for Health
   Jacqui Smith
   Minister of State
   Department of Health

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SCHEDULE 1
INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

NOTES
Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Regulation 4(1)(c)

NOTES
Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1
The name and address of the registered provider and of any registered manager.

2
The relevant qualifications and experience of the registered provider and any registered manager.

3
The number, relevant qualifications and experience of the staff working at the care home.

4
The organisational structure of the care home.

5
The age-range and sex of the service users for whom it is intended that accommodation should be provided.

6
The range of needs that the care home is intended to meet.

7
Whether nursing is to be provided.

8
Any criteria used for admission to the care home, including the care home’s policy and procedures (if any) for emergency admissions.

9
The arrangements for service users to engage in social activities, hobbies and leisure interests.

10
The arrangements made for consultation with service users about the operation of the care home.

11

The fire precautions and associated emergency procedures in the care home.

12

The arrangements made for service users to attend religious services of their choice.

13

The arrangements made for contact between service users and their relatives, friends and representatives.

14

The arrangements made for dealing with complaints.

15

The arrangements made for dealing with reviews of the service user’s plan referred to in regulation 15(1).

16

The number and size of rooms in the care home.

17

Details of any specific therapeutic techniques used in the care home and arrangements made for their supervision.

18

The arrangements made for respecting the privacy and dignity of service users.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

[SCHEDULE 2

INFORMATION AND DOCUMENTS IN RESPECT OF PERSONS CARRYING ON, MANAGING OR WORKING AT A CARE HOME]

NOTES

Amendment

Substituted by SI 2004/1770, reg 2(1), (6), Schedule.

Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).
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Regulations 7, 9 and 19

NOTES

Amendment
Substituted by SI 2004/1770, reg 2(1), (6), Schedule.
Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1

Proof of identity, including a recent photograph.

2

Details of any criminal offences—

(a) of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974 and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975; or

(b) in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.

3

Two written references, including, where applicable, a reference relating to the person's last period of employment, which involved work with children or vulnerable adults, of not less than three months duration.

4

Where a person has previously worked in a position which involved contact with children or vulnerable adults, written verification of the reason why he ceased to work in that position unless it is not reasonably practicable to obtain such verification.

5

Documentary evidence of any relevant qualifications and training.

6

A full employment history, together with a satisfactory written explanation of any gaps in employment.

7

Either—

(a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to

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vulnerable adults (within the meaning of section 113BB(2) of that Act) and, where applicable, suitability information relating to children (within the meaning of section 113BA(2) of that Act); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997.]

8
A statement by the person as to his mental and physical health.

9
Details and evidence of registration with, or membership of, any professional body.

NOTES
Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Substituted by SI 2004/1770, reg 2(1), (6), Schedule.
Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
Para 7: substituted by SI 2009/1895, reg 9(1), (3).
Date in force: 12 October 2009: see SI 2009/1895, reg 1(1).

SCHEDULE 3
RECORDS TO BE KEPT IN A CARE HOME IN RESPECT OF EACH SERVICE USER

NOTES
Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Regulation 17(1)(a)

NOTES
Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1
The following documents in respect of each service user—

(a) the assessment referred to in regulation 14(1);

(b) the service user’s plan referred to in regulation 15(1).

2
A photograph of the service user.

3
A record of the following matters in respect of each service user—

(a) the name, address, date of birth and marital status [or civil partnership status] of each service user;

(b) the name, address and telephone number of the service user’s next of kin or of any person authorised to act on his behalf;

(c) the name, address and telephone number of the service user’s general practitioner and of any officer of a local social services authority whose duty it is to supervise the welfare of the service user;

(d) the date on which the service user entered the care home;

(e) the date on which the service user left the care home;

(f) if the service user is transferred to another care home or to a hospital, the name of the care home or hospital and the date on which the service user is transferred;

(g) if the service user died at the care home, the date, time and cause of death;

(h) the name and address of any authority, organisation or other body, which arranged the service user’s admission to the care home;

(i) a record of all medicines kept in the care home for the service user, and the date on which they were administered to the service user;

(j) a record of any accident affecting the service user in the care home and of any other incident in the care home which is detrimental to the health or welfare of the service user, which record shall include the nature, date and time of the accident or incident, whether medical treatment was required and the name of the persons who were respectively in charge of the care home and supervising the service user;

(k) a record of any nursing provided to the service user, including a record of his condition and any treatment or surgical intervention;

(l) details of any specialist communications needs of the service user and methods of communication that may be appropriate to the service user;

(m) details of any plan relating to the service user in respect of medication, nursing, specialist health care or nutrition;

(n) a record of incidence of pressure sores and of treatment provided to the service user;

(o) a record of falls and of treatment provided to the service user;

(p) a record of any physical restraint used on the service user;

(q) a record of any limitations agreed with the service user as to the service user’s freedom of choice, liberty of movement and power to make decisions.

4

A copy of correspondence relating to each service user.

NOTES

Initial Commencement

Specified date
Specified date: 1 April 2002: see reg 1(1).

**Extent**
These Regulations apply to England only: see reg 1(2).

**Amendment**
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
Para 3: in sub-para (a) words “or civil partnership status” in square brackets inserted by SI 2005/2114, art 2(4), Sch 4, Pt 1, para 1(1), (3).

**SCHEDULE 4**

**OTHER RECORDS TO BE KEPT IN A CARE HOME**

**NOTES**

**Amendment**
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1
A copy of the statement of purpose.

2
A copy of the service user’s guide.

3
A record of all accounts kept in the care home.

4
A copy of all inspection reports.

5
A copy of any report made under regulation 26(4)(c).

6
A record of all persons employed at the care home, including in respect of each person so [employed—]

(a) his full name, address, date of birth, qualifications and experience;

(b) . . .

(c) a copy of each reference obtained in respect of him;
(d) the dates on which he commences and ceases to be so employed;

(e) the position he holds at the care home, the work that he performs and the number of hours for which he is employed each week;

(f) correspondence, reports, records of disciplinary action and any other records in relation to his employment;

[(g) a record of all training undertaken, including induction training].

7

A copy of the duty roster of persons working at the care home, and a record of whether the roster was actually worked.

8

A record of the care home’s charges to service users, including any extra amounts payable for additional services not covered by those charges, and the amounts paid by or in respect of each service user.

9

A record of all money or other valuables deposited by a service user for safekeeping or received on the service user’s behalf, which—

(a) shall state the date on which the money or valuables were deposited or received, the date on which any money or valuables were returned to a service user or used, at the request of the service user, on his behalf and, where applicable, the purpose for which the money or valuables were used; and

(b) shall include the written acknowledgement of the return of the money or valuables.

10

A record of furniture brought by a service user into the room occupied by him.

11

A record of all complaints made by service users or representatives or relatives of service users or by persons working at the care home about the operation of the care home, and the action taken by the registered person in respect of any such complaint.

12

A record of any of the following events that occur in the care home—

(a) any accident;

(b) any incident which is detrimental to the health or welfare of a service user, including the outbreak of infectious disease in the care home;

(c) any injury or illness;

(d) any fire;

(e) except where a record to which paragraph 14 refers is to be made, any occasion on which the fire alarm equipment is operated;
(f) any theft or burglary.

13

Records of the food provided for service users in sufficient detail to enable any person inspecting the record to determine whether the diet is satisfactory, in relation to nutrition and otherwise, and of any special diets prepared for individual service users.

14

A record of every fire practice, drill or test of fire equipment (including fire alarm equipment) conducted in the care home and of any action taken to remedy defects in the fire equipment.

15

A statement of the procedure to be followed in the event of a fire, or where a fire alarm is given.

16

A statement of the procedure to be followed in the event of accidents or in the event of a service user becoming missing.

17

A record of all visitors to the care home, including the names of visitors.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Para 6: word “employed—” in square brackets substituted by SI 2002/865, reg 3(1), (4).

Date in force: 18 April 2002: see SI 2002/865, reg 1(1).

Para 6: sub-para (b) revoked by SI 2004/1770, reg 2(1), (7)(a).

Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

Para 6: sub-para (g) inserted by SI 2004/1770, reg 2(1), (7)(b).

Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

SCHEDULE 5

ADDITIONAL INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE WHERE CHILDREN ARE ACCOMMODATED

NOTES

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Regulations 4 and 29

NOTES

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Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1
The following details about the children for whom it is intended that accommodation should be provided—

(a) their age-range;
(b) their sex;
(c) the number of children;
(d) whether they are disabled, have special needs or any other special characteristics; and
(e) the range of needs that the care home is intended to meet.

2
Any criteria used for admission to the care home, including the care home’s policy and procedures for emergency admissions, if applicable.

3
If the care home provides or is intended to provide accommodation for more than six children, a description of the positive outcomes intended for children in a care home of such a size, and of the care home’s strategy for counteracting any adverse effects arising from its size, on the children accommodated there.

4
A description of the care home’s underlying ethos and philosophy, and where this is based on any theoretical or therapeutic model, a description of that model.

5
The facilities and services to be provided or made available, within and outside the care home, for the children accommodated there.

6
The arrangements made to protect and promote the health of the children accommodated there.

7
The arrangements for the promotion of the education of the children accommodated there, including the facilities for private study.

8
The arrangements to promote children’s participation in hobbies and recreational, sporting and cultural activities.

9
The arrangements made for consultation with the children accommodated there about the operation of the care home.

10

The policy on behaviour management and the use of restraint in the care home, including in particular the methods of control and discipline and the disciplinary measures which may be used, the circumstances in which any such measures will be used and who will be permitted to use and authorise them.

11

The arrangements for child protection and to counter bullying.

12

The fire precautions and associated emergency procedures in the care home.

13

The arrangements made for the children’s religious instruction and observance.

14

The arrangements made for contact between a child accommodated there and his parents, relatives and friends.

15

The procedure for dealing with any unauthorised absence of a child from the care home.

16

The arrangements for dealing with complaints.

17

The arrangements for dealing with reviews of the placement plans of children accommodated there.

18

The type of accommodation and sleeping arrangements provided, and, where applicable, how children are to be grouped, and in what circumstances they are to share bedrooms.

19

Details of any specific therapeutic techniques used in the care home and arrangements for their supervision.

20

A description of the care home’s policy on anti-discriminatory practice in relation to children and children’s rights.

NOTES
Initial Commencement
Specified date
Specified date: 1 April 2002: see reg 1(1).

Extent
These Regulations apply to England only: see reg 1(2).

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

SCHEDULE 6

NOTES

Amendment
Revoked by SI 2004/1770, reg 2(1), (8).
Date in force: 26 July 2004: see SI 2004/1770, reg 1(1).

SCHEDULE 7

MATTERS TO BE MONITORED AT A CARE HOME WHERE CHILDREN ARE ACCOMMODATED

NOTES

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

NOTES

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

Regulations 24 and 35(a)

NOTES

Amendment
Revoked by SI 2010/807, art 23, Sch 2.
Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).

1
Compliance with any plan for the care of the child prepared by the placing authority and the placement plan of each child accommodated in the care home.

2
The deposit and issue of money and other valuables handed in for safekeeping.
Daily menus.

All accidents and injuries sustained in the care home or by children accommodated there.

Any illnesses of children accommodated in the care home.

Complaints in relation to children accommodated in the care home and their outcomes.

Any allegations or suspicions of abuse in respect of children accommodated in the care home and the outcome of any investigation.

Staff recruitment records and conduct of required checks for new workers in the care home.

Visitors to the care home and to children in the care home.

Notifications of the events listed in Schedule 5 to the Children’s Homes Regulations 2001.

Any unauthorised absence from the care home of a child accommodated there.

The use of disciplinary measures in respect of children accommodated in the care home.

The use of physical restraint in respect of children accommodated in the care home.

NOTES

Initial Commencement

Specified date

Specified date: 1 April 2002: see reg 1(1).

Extent

These Regulations apply to England only: see reg 1(2).

Amendment

Revoked by SI 2010/807, art 23, Sch 2.

Date in force: 1 October 2010: see SI 2010/807, art 1(1)(b).
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply to England only. Part I of the Act establishes, in relation to England, the National Care Standards Commission ("the Commission") and Part II provides for the registration and inspection of establishments and agencies, including care homes, by the Commission. It also provides powers for regulations governing the conduct of establishments and agencies. The majority of Parts I and II of the Act (in so far as not already in force) will be brought into force on 1 April 2002.

These new arrangements replace the regulatory system provided for in relation to residential care homes and nursing homes by the Registered Homes Act 1984.

Regulation 3 excludes from the definition of a care home under section 3 of the Act certain NHS hospitals and establishments providing nursing, universities, schools and certain further education institutions.

Under regulations 4 and 5, each home must have a statement of purpose consisting of the matters set out in Schedule 1, and supply a guide to the home to each service user.

Regulations 7 to 10 make provision about the fitness of the persons carrying on and managing the home, and require satisfactory information to be available in relation to certain specified matters. Where an organisation carries on the home, it must nominate a responsible individual in respect of whom this information must be available (regulation 7). Regulation 8 prescribes the circumstances where a manager must be appointed for the home, and regulation 10 imposes general requirements in relation to the proper conduct of the home, and the need for appropriate training.

Part III makes provision about the conduct of care homes, in particular as to health and welfare of service users, and as to the facilities and services that are to be provided. Provision is also made about record keeping, the staffing of homes, the fitness of workers, and about complaints.

Part IV makes provision about the suitability of premises and fire precautions to be taken. Part V deals with the management of care homes. Regulation 24 requires the registered person to establish a system for reviewing and improving the quality of care provided by the home. Regulation 25 imposes requirements relating to the home’s financial position. Regulation 26 requires the registered provider to visit the home as prescribed. Part VI makes special provision which applies where children are accommodated at the home.

Part VII deals with miscellaneous matters including the giving of notices to the Commission. Regulation 43 provides for offences. A breach of the regulations specified in regulation 43 may found an offence on the part of the registered person. However, no prosecution may be brought unless the Commission has first given the registered person a notice which sets out in what respect he is not complying with a regulation, and what action the Commission considers it is necessary for him to take in order to comply. The notice must specify a time period for compliance, not exceeding three months.