
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 234

The Day Care Setting Regulations (Northern Ireland) 2007

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Day Care Setting Regulations (Northern Ireland) 2007 and shall come into operation on 30th April 2007.

Commencement Information

II Reg. 1 in operation at 30.4.2007, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

[^{F1}“bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986;]

[^{F2}“debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;

“debt relief restrictions order” means an order made under Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989, or Schedule 4ZB to the Insolvency Act 1986;]

“general medical practitioner” means a medical practitioner providing primary medical services;

“health care professional” means a person who is registered as a member of any profession which is regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(1) or who is a clinical psychologist;

“inspection report” means a report prepared in relation to the day care setting under Article 42(7) of the Order;

“the Northern Ireland Social Care Council” means the body established under section 1 of the Health and Personal Social Services Act (Northern Ireland) 2001(2);

“Nursing and Midwifery Council” means the body established under Article 3 of the Nursing and Midwifery Order 2001;

(1) 2002 c. 17
(2) 2001 c. 3 (N.I.)

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

“personal care” has the same meaning as in Article 10(3) of the Order;

[^{F3}“the register” means the register of social care workers maintained by the Northern Ireland Social Care Council under section 3(1) of the 2001 Act;]

“registered manager” in relation to a day care setting means a person who is registered under Part III of the Order as the manager of the day care setting;

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

“registered provider” in relation to a day care setting means a person who is registered under Part III of the Order as a person carrying on the day care setting;

“relative” in relation to a service user, means—

- (a) the service user’s spouse or civil partner;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the service user 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 service user’s step-child shall be treated as his child, and references to “spouse” include a former spouse and a person who is living with the service user as husband or wife and references to “civil partner” include a former civil partner and a person who is living with the service user as if they were civil partners;

[^{F3}“the relevant part” means that part of the register referred to in section 3(2) of the 2001 Act which is most relevant to that person, taking into account their current employment;]

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

“responsible individual” shall be construed in accordance with regulation 8(2)(c)(i);

“service user” means a person for whom day care is provided in the day care setting;

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

“service user’s plan” means the written plan prepared in accordance with regulation 16(1);

“social care worker” has the same meaning as in section 2(2) of the Health and Personal Social Services Act (Northern Ireland) 2001(3);

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

(2) 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.

- F1** Words in [reg. 2\(1\)](#) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 41(2)**
- F2** Words in [reg. 2\(1\)](#) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 48(2)**
- F3** Words in [reg. 2\(1\)](#) inserted (21.10.2013) by [The Northern Ireland Social Care Council \(Social Care Workers Prohibition\) and Fitness of Workers Regulations \(Northern Ireland\) 2013 \(S.R. 2013/225\)](#), regs. 1, **12(2)**

Commencement Information

I2 Reg. 2 in operation at 30.4.2007, see [reg. 1](#)

Prescribed Services

3. For the purposes of the definition of “day care setting” in Article 2(2) of the Order the prescribed services are the provision of personal care.

Commencement Information

I3 Reg. 3 in operation at 30.4.2007, see [reg. 1](#)

Statement of purpose

4.—(1) The registered person shall compile in relation to the day care setting a written statement which shall consist of—

- (a) a statement of the aims and objectives of the day care setting;
- (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 [F4RQIA] and shall make a copy of it available for inspection by every service user and any representative of a service user.

(3) Nothing in regulation 18(1) or 26(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 III of the Order.

F4 Words in [Regulations](#) substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(a\)](#) (with [Sch. para. 1\(2\)](#))

Commencement Information

I4 Reg. 4 in operation at 30.4.2007, see [reg. 1](#)

Service user’s guide

5.—(1) The registered person shall produce a written guide to the day care setting which shall include—

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of the services in the day care setting to be provided for service users, including details of the amount and method of payment of fees if appropriate;
- (c) a standard form of contract for the provision of care and facilities by the registered provider to service users;
- (d) a summary of the complaints procedure established under regulation 24;
- (e) the address and telephone number of the [F4RQIA].

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Day Care Setting Regulations (Northern Ireland) 2007. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) The registered person shall also provide, on request, access to a copy of the most recent inspection report and information on how to access earlier inspection reports.

(3) The registered person shall supply a copy of the service user's guide to the [F4RQIA] and each service user or his representative.

(4) Where a HSS trust has made arrangements for the provision of day care to the service user in a day care setting, the registered person shall supply to the service user a copy of the agreement specifying the arrangements made.

F4 Words in Regulations substituted (11.4.2014) by Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5), Sch. para. 1(1)(a) (with Sch. para. 1(2))

Commencement Information

I5 Reg. 5 in operation at 30.4.2007, see reg. 1

Information about fees

6.—(1) The registered person shall provide to each service user a statement specifying any fees or charges payable by or in respect of the service user and the method of payment of the fees and the person by whom the fees are payable.

(2) The registered person shall notify the service user at least 28 days in advance of any increase or variation in the fees or matters referred to in paragraph (1) and payable by or in respect of the service user.

Commencement Information

I6 Reg. 6 in operation at 30.4.2007, see reg. 1

Review of statement of purpose and service user's guide

7. 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 [F4RQIA] and service users or their representatives of any such revision within 28 days.

F4 Words in Regulations substituted (11.4.2014) by Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5), Sch. para. 1(1)(a) (with Sch. para. 1(2))

Commencement Information

I7 Reg. 7 in operation at 30.4.2007, see reg. 1

Changes to legislation:

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Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- [reg. 21\(5\)-\(7\)](#) added by [S.R. 2008/346 reg. 6\(2\)\(c\)](#)