STATUTORY RULES OF NORTHERN IRELAND

2007 No. 236

The Residential Family Centres Regulations (Northern Ireland) 2007

PART III

CONDUCT OF RESIDENTIAL FAMILY CENTRES

Health and welfare of residents

12.—(1) The registered person shall ensure that the residential family centre is conducted so as to—

(a) promote and make proper provision for the health and welfare of residents;

(b) make such provision for the care, treatment, education and supervision of residents as is appropriate to their age and needs.

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

(3) The registered person shall make suitable arrangements to ensure that the residential family centre is conducted—

(a) in a manner which respects the privacy and dignity of residents; and

(b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of residents.

(4) In complying with this regulation, the registered person shall, wherever there is a conflict between the interests of the members of a family, treat the welfare of the child in that family as paramount.

Further requirements as to health and welfare

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

(a) to be registered with a general medical practitioner of their choice; and

(b) to receive where necessary, treatment, advice and other services from any health care professional and/or social care worker.

(2) The registered person shall make suitable arrangements for the ordering, storage, recording, handling, safe keeping, safe administration and disposal of medicines used in or for the purposes of the residential family centre to ensure that—

(a) any medicine which is kept in a residential family centre is stored in a secure place:

(b) medicine which is prescribed is administered as prescribed to the resident for whom it is prescribed, and to no other resident; and

(c) a written record is kept of the administration of any medicine to a resident.

(3) Paragraph (2) does not apply to medicine which—

(a) is stored by the individual for whom it is provided in such a way that others are prevented from using it; and

(b) may be safely self-administered by that individual.

(4) In this regulation, "prescribed" means—

(a) ordered for a resident for provision to him under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972(**1**); or

(b) prescribed for a resident under section 58 of the Medicines Act 1968(**2**).

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

(6) The registered person shall ensure as far as reasonably practicable that—

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

(b) any activities in which residents participate, are free from avoidable risks;

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

(d) suitable arrangements for the training of persons employed in first aid are made.

(7) The registered person shall make arrangements, by training persons employed at the residential family centre or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.

(8) The registered person shall ensure that no resident is subject to restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other resident and there are exceptional circumstances.

(9) On any occasion on which a resident is subject to restraint, the registered person shall record the circumstances, including the nature of the restraint. These details should also be reported to the Regulation and Improvement Authority as soon as is practicable.

Arrangements for the protection of children

14.—(1) The registered person shall prepare and implement a written child protection policy which—

(a) is intended to safeguard children accommodated in the residential family centre from abuse or neglect; and

(b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) must in particular provide for—

(a) liaison and co-operation with any HSS trust which is making child protection enquiries in relation to any child accommodated in the residential family centre;

(b) the prompt referral to the HSS trust in whose area the residential family centre is situated, of any allegations of abuse or neglect affecting any child accommodated in the residential family centre;

(c) notification (in accordance with regulation 30) of the instigation and outcome of any child protection enquiries involving any child accommodated in the residential family centre, to the Regulation and Improvement Authority and the child's HSS trust ;

(**1**) S.I.1972/1265 (N.I. 14)
(**2**) 1968 c. 67; as amended by paragraph 7 of Part II of Schedule 2 to the Medicines (Specified Articles and Substances) Order 1976 (S.I. 1976/968)

(d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;

(e) consideration to be given in each case to the measures which may be necessary to protect children in the residential family centre following an allegation of abuse or neglect;

(f) a requirement for persons working at the residential family centre to report any concerns about the welfare or safety of any child accommodated in the residential family centre to one of the following—

(i) the registered person;

(ii) a police officer;

(iii) an officer of the Regulation and Improvement Authority;

(iv) an officer of the HSS trust in whose area the residential family centre is situated; or

(v) an officer of the National Society for the Prevention of Cruelty to Children;

(g) arrangements to be made for residents and persons working at the residential family centre, to have access at all times and in an appropriate form, to information which would enable them to contact the HSS trust in whose area the residential family centre is situated, or the Regulation and Improvement Authority, concerning the welfare or safety of children accommodated in the residential family centre.

(3) In this regulation—

(a) "child protection enquiries" means any enquiries carried out by a HSS trust in the exercise of any of its functions conferred by or under the Children Order relating to the protection of children; and

(b) "child" also includes any parent who is under the age of 18.

(4) The registered person shall prepare and implement a written policy for the prevention of bullying in the residential family centre which includes, in particular, a procedure for dealing with an allegation of bullying.

Placements

15.—(1) The registered person shall, before providing a family with accommodation in the residential family centre, or if that is not reasonably practicable, as soon as possible thereafter, draw up in consultation with the placing authority a written plan (in these Regulations referred to as "the placement plan") setting out, in particular—

(a) the facilities and services to be provided during the course of the placement;

(b) the objectives and intended outcome of the placement.

(2) The registered person shall keep under review and revise the placement plan as necessary.

(3) In preparing or reviewing the placement plan the registered person shall, so far as practicable—

(a) seek and take account of the views of the members of the family;

(b) take account of any relevant assessment or other report relating to any member of the family which may be provided by the placing authority.

(4) The registered person shall supply a copy of the placement plan and any revision of it to the placing authority and to the parent within the family to which it relates.

Facilities and services

16.—(1) Subject to regulation 3(3), the registered person shall provide facilities and services to residents in accordance with the statement of purpose.

(2) The registered person shall having regard to the size of the residential family centre and the number and needs of residents—

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

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

(c) permit residents, so far as it is practicable to do so, and subject to fire and safety requirements, to bring their own furniture and furnishings into the rooms they occupy;

(d) provide adequate laundry facilities for residents to wash, dry and iron clothes and linen for their families;

(e) so far as it is reasonable and practicable to do so, provide adequate facilities for residents to prepare their own food and ensure that such facilities are safe for use by residents;

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

(g) after consultation with the environmental health department of the district council for the district in which the centre is situated, make suitable arrangements for maintaining satisfactory standards of hygiene in the centre;

(h) provide a place where the money and valuables of residents may be deposited for safe keeping, and make arrangements for residents to acknowledge in writing the deposit and return to them of any money or valuables.

Staffing of the residential family centre

17.—(1) The registered person shall, having regard to the size of the residential family centre, the statement of purpose and the number and needs of residents—

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

(b) ensure that the employment of any persons on a temporary basis at the centre will not prevent residents from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person shall ensure that persons working at the centre are appropriately supervised.

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

Fitness of workers

18.—(1) The registered person shall not employ a person to work at the residential family centre unless—

(a) the person is fit to work at the residential family centre;

(b) subject to paragraph (4), he has obtained in respect of that person the information and documents specified in Schedule 2; and

(c) he is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person.

(2) This paragraph applies to any person who is employed to work at the residential family centre by a person (the "employer") other than the registered person in a position in which he may in the course of his duties, have regular contact with residents.

(3) The registered person shall not allow a person to whom paragraph (2) applies to work at the residential family centre unless—

(a) the person is fit to work at the residential family centre;

(b) the employer has obtained in respect of that person the information and documents specified in Schedule 2 and has confirmed in writing to the registered person that he has done so; and

(c) the employer is satisfied on reasonable grounds as to the authenticity of the references referred to in paragraph 3 of Schedule 2 in respect of that person, and has confirmed in writing to the registered person that he is so satisfied.

(4) For the purposes of paragraph (1) and (3), a person is not fit to work at a residential family centre unless—

(a) he is of integrity and good character;

(b) he has the qualifications or training suitable to the work that he is to perform, and the skills and experience necessary for such work;

(c) he is physically and mentally fit for the work he is to perform at the residential family centre; and

(d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

(5) The registered person shall ensure that all health care professionals working at the residential family centre are covered by appropriate professional indemnity.

(6) Where the following conditions apply, the registered person may permit a person to start work at the residential family centre notwithstanding paragraph (4)(d)—

(a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters specified in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters specified in paragraphs 3 to 6 of Schedule 2 are incomplete;

(b) full and satisfactory information in respect of that person has been obtained in relation to the matters specified in paragraphs 1 and 2 of Schedule 2;

(c) the registered person considers that the circumstances are exceptional; and

(d) pending receipt of, and satisfying himself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his duties.

(7) The registered person shall take reasonable steps to ensure that any person working at the residential family centre who is not employed by him and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

Employment of staff

19.—(1) The registered person shall—

(a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and

(b) provide all employees with a job description outlining their responsibilities.

(2) The registered person shall operate a disciplinary procedure which, in particular—

(a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children accommodated in the residential family centre;

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

(3) For the purposes of paragraph (2)(b), an appropriate person is—

(a) the registered person;

(b) an officer of the Regulation and Improvement Authority;

(c) a police officer;

(d) an officer of the HSS trust in whose area the residential family centre is situated; or

(e) an officer of the National Society for the Prevention of Cruelty to Children.

(4) In paragraph (2), "child" also includes a parent who is under the age of 18.

(5) The registered person shall ensure that all persons employed by him—

(a) receive appropriate training, supervision and appraisal; and

(b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

Restrictions on acting for residents

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

(a) the account is in the name of the resident to which the money belongs; and

(b) the account is not used by the registered person in connection with the carrying on or management of the residential family centre.

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

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

Staff views as to conduct of residential family centre

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

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

Records

22.—(1) The registered person shall maintain in respect of each family accommodated at the residential family centre, a record which—

(a) includes the information, documents and other records specified in Schedule 3 relating to the members of the family;

(b) is retained in a place of security at the residential family centre.

(2) The registered person shall also maintain at the residential family centre 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;

(b) are at all times available for inspection in the residential family centre by any person authorised by the Regulation and Improvement Authority to enter and inspect the centre;

(c) ensure that residents are aware of arrangements to access their personal records; and

(d) shall be retained at the residential family centre for a period of not less than fifteen years from the date of the last entry.

(4) The registered person shall ensure that information about a resident's health and treatment is handled confidentially and is only disclosed to those persons who need to be aware of that information in order to treat the resident effectively or minimise any risk of the resident harming himself or another person, or for the purpose of the proper administration of the centre.

Complaints

23.—(1) The registered person shall establish a procedure ("the complaints procedure") for receiving, managing and responding to complaints made to the registered person by a resident or their representative.

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

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

(4) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the investigative process, outcome and action (if any) that is to be taken.

(5) The registered person shall supply a written copy of the complaints procedure to every resident and to their representative.

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

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

(a) the name, address and telephone number of the Regulation and Improvement Authority; and

(b) the procedure (if any) that has been notified by the Regulation and Improvement Authority to the registered person for the making of complaints to the Regulation and Improvement Authority relating to the residential family centre.

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

Guidance for social care workers, and health care professionals

24. The registered person shall ensure that—

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

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

(b) staff are supported to meet and maintain the standards and requirements of their relevant codes of practice;

(c) appropriate action is taken when staff do not meet the expected standards of conduct in line with the relevant codes of practice.