
STATUTORY INSTRUMENTS

2001 No. 3965

The Care Homes Regulations 2001

PART III

CONDUCT OF CARE HOME

Health and welfare of service users

- 12.**—(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.

Further requirements as to health and welfare

- 13.**—(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 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.

(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.

Assessment of service users

14.—(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.

Service user’s plan

15.—(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.

Facilities and services

16.—(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.

Records

- 17.—(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.

Staffing

- 18.—(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; 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 persons working at the care home are appropriately supervised.
- (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.

Fitness of workers

- 19.—(1) The registered person shall not employ a person to work at the care home unless—
- (a) the person is fit to work at the care home;
 - (b) subject to paragraph (6), he has obtained in respect of that person the information and documents specified in—
 - (i) paragraphs 1 to 6 of Schedule 2;

- (ii) except when paragraph (7) applies, paragraph 7 of that Schedule;
 - (iii) where paragraph (7) applies, paragraph 8 of that Schedule; and
 - (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) The registered person shall not allow a person to whom paragraph (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 6 of Schedule 2;
 - (ii) except where paragraph (7) applies, paragraph 7 of that Schedule;
 - (iii) where paragraph (7) applies, paragraph 8 of that Schedule,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.
- (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) 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 6 of Schedule 2;
 - (ii) except where paragraph (7) applies, each of the matters specified in paragraph 7 of that Schedule;
 - (iii) where paragraph (7) applies, each of the matters specified in paragraph 8 of that Schedule.
- (6) Paragraphs (1)(b) and (5)(d), in so far as they relate to paragraph 7 of Schedule 2, shall not apply until 1st April 2003 in respect of a person who immediately before 1st April 2002 is employed to work at the care home.
- (7) This paragraph applies where any certificate or information on any matters referred to in paragraph 7 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.

Restrictions on acting for service user

20.—(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.

Staff views as to conduct of care home

- 21.**—(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.

Complaints

- 22.**—(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 it is practicable to do so supply, in addition to the written copy, a copy of the complaints procedure in a form which is suitable for that person.
- (7) The copy of the complaints procedure to be supplied in accordance with 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.