

**HEALTH AND PERSONAL SOCIAL SERVICES
(QUALITY, IMPROVEMENT AND REGULATION)
(NORTHERN IRELAND) ORDER 2003**

S.I. 2003 No. 431 (N.I. 9)

EXPLANATORY MEMORANDUM

CONSULTATION ON THE ORDER IN COUNCIL

The draft Order in Council and Explanatory Memorandum were issued for a short period of consultation from 18th November to 16th December to provide an opportunity for interested parties to further consider the proposals as defined within legislation and to recommend for consideration any changes or amendments.

Respondents to the consultation were supportive of the principles contained within the proposed legislation. Suggested amendments included:

Adult Placements with Families

“Adult Placements” are cases involving the placement of up to three adults, aged 18 or more and who are usually learning disabled, to live with a family in a domestic residence. A number of respondents were concerned about categorizing “adult placements” as residential care homes on the grounds that the same standards should not be applied to family settings as are applied to residential care homes. The Order was amended so that the Department may in the future prescribe further establishments and agencies. This provision can be used to regulate adult placements as entities separate from residential care homes.

Improvement Notices - Article 39

Responses to the consultation suggested that the article relating to Improvement notices should be strengthened so that the Regulation and Improvement Authority can “specify” rather than “recommend” improvements. Such a change strengthens this provision and is appropriate, and this change has been included into the Order.

Personal Care - Article 10(3)

Responses suggested that the definition of “Personal Care” in Article 2 should be amended to ensure full consistency with the definition used in the Health and Personal Social Services Act (Northern Ireland) 2001. This change has been inserted into the Order.