
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 161

The Residential Care Homes
Regulations (Northern Ireland) 2005

PART II

REGISTERED PERSONS

Fitness of registered provider

- 7.—(1) A person shall not carry on a residential care home unless he is fit to do so.
- (2) A person is not fit to carry on a home unless the person –
- (a) is an individual who carries on the 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 Regulation and Improvement Authority of the name, address and position in the organisation of an individual who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the 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 home; and
 - (c) full and satisfactory information is available in relation to him in respect of the matters specified in paragraphs 1 to 7 of Schedule 2.
- (4) A person shall not carry on a 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has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or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.

Appointment of manager

- 8.—(1) The registered provider shall appoint an individual to manage the residential care home where –

- (a) there is no registered manager in respect of the home;
- (b) the registered provider –
 - (i) is an organisation or partnership;
 - (ii) is not a fit person to manage a home; or
 - (iii) is not, or does not intend to be, in full-time day-to-day charge of the home.

(2) Where the registered provider appoints a person to manage the residential care home he shall forthwith give notice to the Regulation and Improvement Authority of –

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect

Fitness of registered manager

9.—(1) A person shall not manage a residential care home unless he is fit to do so.

(2) A person is not fit to manage a home unless –

- (a) he is of integrity and good character;
- (b) having regard to the size of the home, the statement of purpose, and the number and needs of the residents –
 - (i) he has the qualifications, skills and experience necessary, for managing the home; and
 - (ii) he is physically and mentally fit to manage the home; and
- (c) full and satisfactory information is available in relation to him in respect of the matters specified in paragraphs 1 to 7 of Schedule 2.

Registered person: general requirements

10.—(1) The registered provider and the registered manager shall, having regard to the size of the residential care home, the statement of purpose, and the number and needs of the residents, carry on or manage the 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 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 home.

Registered Person: notification of offences

11. Where the registered person or the responsible individual is convicted of any criminal offence, in Northern Ireland or elsewhere, he shall forthwith give notice in writing to the Regulation and Improvement Authority 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.