
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (“the Order”), and apply in relation to adult placement agencies. Part II of the Order establishes the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority (“the Regulation and Improvement Authority”) and Part III provides for the registration and inspection of establishments and agencies by the Regulation and Improvement Authority. The Order also provides powers to make regulations governing the conduct of establishments and agencies.

The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Specified Agency) Order (Northern Ireland) 2007 specified adult placement agencies for purposes of regulation under the Order.

In these regulations:

Regulation 2 includes the definition of an adult placement agency and an adult placement carer.

Regulation 3 provides that each agency must prepare a statement of purpose in relation to the matters set out in Schedule 1 and a service users guide to the agency must be produced (Regulation 4).

Regulations 7 to 11 make provisions about the fitness of persons carrying on and managing an agency and require satisfactory information to be obtained in relation to the matters specified in Schedule 2. In the case of an organisation it must nominate a responsible individual in respect of whom this information must be available (Regulation 7). Regulation 8 prescribes the circumstances where a manager must be appointed in respect of the agency, and Regulation 9 makes provision concerning the fitness of the manager. Regulation 10 imposes general requirements in relation to the proper conduct of the agency, and indeed for appropriate training.

Part III of the Regulations (12 to 19) make provision as to the making of placements by an agency. Regulations 12 and 13 deal with the conditions to which placement agreements must be subject and also provide for the monitoring and review of placements. Regulation 14 sets out the situations in which an adult placement agency must terminate a placement. Regulation 15 makes provision about the fitness of adult placement carers and requires satisfactory information to be obtained in relation to the matters specified in Schedule 3. Regulation 16 deals with the contents of the carer agreement, and in addition provision is made for the training of adult placement carers (Regulation 17), an adult placement carer handbook (regulation 18) and the production of a service user’s plan (regulation 19).

Provision is made in Part IV of the Regulations as to an agency’s conduct (Regulation 20), record keeping (Regulation 21 and Schedule 4) and complaints (Regulation 22). Provision is also made about the fitness of premises (Regulation 27) and about the fitness of staff (Regulation 28 and Schedule 2) and staffing (Regulation 29). Regulations also deal with financial management of the agency (Regulation 32) and the giving of notices to the Regulation and Quality Improvement Authority (Regulations 33 to 35).

Part V of the Regulations deal with miscellaneous matters. In particular, Regulation 39 provides for offences. A breach of Regulations 3 to 36 will be an offence on the part of the registered person. However no prosecution may be brought unless the Regulation and Quality Improvement Authority has given notice which sets out in what respect it is alleged the person is not complying with a regulation and what action (if any), and by when, the Regulation and Quality Improvement Authority considers it necessary in order to comply with the regulation.

Regulation 40 makes transitional provisions.