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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 221**

The Adult Placement Agencies  
Regulations (Northern Ireland) 2007

PART IV

CONDUCT OF ADULT PLACEMENT AGENCIES  
OPERATION OF ADULT PLACEMENT AGENCY

**General conduct of adult placement agency**

**20.**—(1) The registered person shall make suitable arrangements to ensure that the agency is conducted, and that care or support (including any accommodation) is provided—

- (a) so as to ensure the safety of service users;
  - (b) so as to ensure that a placement is not made in an emergency unless that is in the interests of the service user in question, and the needs of the adult placement carer and other household members have been considered;
  - (c) so as to safeguard service users against abuse, harm or neglect;
  - (d) so as to promote the independence of service users;
  - (e) so as to ensure the safety and security of service users' property;
  - (f) in a manner which respects the privacy, dignity and wishes of service users, and the confidentiality of information relating to them; and
  - (g) with due regard to the sex, sexual orientation, age, religious persuasion, racial origin, cultural and linguistic background and any disability of service users, and to the way in which they wish to conduct their lives.
- (2) The registered person shall, in relation to the conduct of the agency—
- (a) maintain good personal and professional relationships with each other and with adult placement carers, service users and staff;
  - (b) encourage and assist staff to maintain good personal and professional relationships with both adult placement carers and service users;
  - (c) encourage and assist adult placement carers to maintain good personal and professional relationships with service users.

(3) The registered person shall make appropriate arrangements to ensure that the views of service users and adult placement carers are taken into account in the conduct of the agency.

**Records**

**21.**—(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 4 relating to the service user;

- (b) ensure that the record referred to in sub-paragraph (a) is kept securely in the principal office of the agency.
- (2) The registered person shall maintain in the principal office of the agency the records specified in Schedule 3.
- (3) The registered person shall ensure that the records referred to in paragraphs (1) and (2)—
  - (a) are kept up to date;
  - (b) are available at all times for inspection in the principal office of the agency by any person authorised by the Regulation and Improvement Authority to enter and inspect the premises; and
  - (c) ensure that service users are aware of arrangements to access their personal files.
- (4) The records referred to in paragraphs (1) and (2) shall be retained for a period of not less than 8 years from the date of the last entry.
- (5) The registered person shall ensure that information relating to a service user's care or welfare is treated confidentially and is only disclosed to those persons who need to be aware of that information in order to treat the service user effectively or minimise any risk of the service user harming himself or another person, or for the purpose of the proper administration of the agency.

## **Complaints**

- 22.**—(1) The registered person shall establish a procedure (“the complaints procedure”) for considering complaints made to the registered person by an adult placement carer, a service user or his representative.
- (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 was 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 service user whom it has placed and to any person acting on behalf of a service user.
  - (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 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 in relation to the agency.
  - (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 of the action that was taken in response to each complaint.

### **Review of quality of services**

**23.**—(1) The registered person shall establish and maintain a system for evaluating the quality of the services which are provided by the adult placement agency.

(2) At the request of the Regulation and Improvement Authority, the registered person shall supply to it a report, based upon the system referred to in paragraph (1), which describes the extent to which, in the reasonable opinion of the registered person—

- (a) good quality services for service users are provided by the adult placement agency;
- (b) the views of service users and their representatives are taken into account in deciding—
  - (i) what services to offer to them; and
  - (ii) the manner in which such services are to be provided; and
- (c) recommendations made or requirements imposed by the Regulation and Improvement Authority in relation to the adult placement agency over the period specified in the request, have been addressed.

(3) The report referred to in paragraph (2) shall be supplied to the Regulation and Improvement Authority within one month of receipt of the request referred to in that paragraph, and in the form and manner required by the Regulation and Improvement Authority.

(4) The report shall also contain details of the measures that the registered person considers it necessary to take in order to improve the quality and delivery of the services which are provided by the adult placement agency.

(5) The system referred to in paragraph (1) shall provide for consultation with service users and their representatives.

### **Improvement plan**

**24.**—(1) If requested to do so by the Regulation and Improvement Authority, the registered person shall produce a plan (the improvement plan) setting out the methods by which, and the timetable to which, the registered person intends to improve the services which are provided by the adult placement agency.

(2) The registered person shall provide a written copy of the improvement plan to the Regulation and Improvement Authority within one month of receipt of the request referred to in paragraph (1).

- (3) A copy of the plan shall be made available to—
- (a) the adult placement agency's adult placement carers; and
  - (b) service users and their representatives.

### **Visits by registered provider**

**25.**—(1) Where the registered provider is an individual who does not manage the agency, he shall visit the principal office of the agency in accordance with this regulation.

(2) Where the registered provider is an organisation or partnership, the principal office of the agency shall be visited in accordance with this regulation by—

- (a) the responsible individual or one of the partners, as the case may be;
- (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
- (c) an employee of the organisation or the partnership who is not directly concerned with the conduct of the agency.

(3) Visits under paragraph (1) or (2) shall take place at least once every 12 months and shall be announced.

(4) The registered provider shall assist adult placement carers with whom it has placed a service user and such service users to provide their views about the agency for the purposes of visits carried out under this regulation.

(5) The person carrying out the visit shall—

- (a) interview, in private, such adult placement carers and service users and their representatives who wish to be interviewed;
- (b) inspect the records referred to in paragraph 4 of Schedule 4; and
- (c) prepare a written report on the conduct of the agency.

(6) An interview referred to in paragraph (5)(a) must take place in such reasonable place chosen by the person to be interviewed.

(7) The registered provider shall supply a copy of the report required to be made under paragraph (5)(c) to—

- (a) the Regulation and Improvement Authority ;
- (b) any registered manager; and
- (c) in the case of a visit under paragraph (2)—
  - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
  - (ii) where the registered provider is a partnership, to each of the partners.

#### **Staff views as to conduct of agency**

**26.—**(1) This regulation applies to any matter relating to the conduct of the agency so far as it may affect the care, welfare or safety of service users.

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