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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to England only. Part I of the Act establishes, in relation to England, the National Care Standards Commission (“the Commission”) and Part II provides for the registration and inspection of establishments and agencies, including care homes, by the Commission. It also provides powers for regulations governing the conduct of establishments and agencies. The majority of Parts I and II of the Act (in so far as not already in force) will be brought into force on 1 April 2002.

These new arrangements replace the regulatory system provided for in relation to residential care homes and nursing homes by the Registered Homes Act 1984.

Regulation 3 excludes from the definition of a care home under section 3 of the Act certain NHS hospitals and establishments providing nursing, universities, schools and certain further education institutions.

Under regulations 4 and 5, each home must have a statement of purpose consisting of the matters set out in Schedule 1, and supply a guide to the home to each service user.

Regulations 7 to 10 make provision about the fitness of the persons carrying on and managing the home, and require satisfactory information to be available in relation to certain specified matters. Where an organisation carries on the home, 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 for the home, and regulation 10 imposes general requirements in relation to the proper conduct of the home, and the need for appropriate training.

Part III makes provision about the conduct of care homes, in particular as to health and welfare of service users, and as to the facilities and services that are to be provided. Provision is also made about record keeping, the staffing of homes, the fitness of workers, and about complaints.

Part IV makes provision about the suitability of premises and fire precautions to be taken. Part V deals with the management of care homes. Regulation 24 requires the registered person to establish a system for reviewing and improving the quality of care provided by the home. Regulation 25 imposes requirements relating to the home’s financial position. Regulation 26 requires the registered provider to visit the home as prescribed. Part VI makes special provision which applies where children are accommodated at the home.

Part VII deals with miscellaneous matters including the giving of notices to the Commission. Regulation 43 provides for offences. A breach of the regulations specified in regulation 43 may found an offence on the part of the registered person. However, no prosecution may be brought unless the Commission has first given the registered person a notice which sets out in what respect it is alleged he is not complying with a regulation, and what action the Commission considers it is necessary for him to take in order to comply. The notice must specify a time period for compliance, not exceeding three months.