
STATUTORY INSTRUMENTS

2001 No. 3965

The Care Homes Regulations 2001

PART I
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Care Homes Regulations 2001 and shall come into force on 1st April 2002.

(2) These Regulations extend to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“environmental health authority” means the authority responsible for environmental health for the area in which the care home is situated;

“fire authority”, in relation to a care home, means the authority discharging in the area in which the care home is situated the function of fire authority under the Fire Services Act 1947⁽¹⁾;

“general practitioner” means a registered medical practitioner who—

(a) provides general medical services under Part II of the National Health Service Act 1977⁽²⁾;

(b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997⁽³⁾; or

(c) provides services which correspond to services provided under Part II of the National Health Service Act 1977, otherwise than in pursuance of that Act;

“health care professional” means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999⁽⁴⁾ applies or who is clinical psychologist, child psychotherapist or speech therapist;

“inspection report” means a report prepared in relation to the care home under section 32(5) of the Act;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“registered manager”, in relation to a care home, means a person who is registered under Part II of the Act as the manager of the care home;

(1) 10 & 11 Geo.6 c. 41.

(2) 1977 c. 49.

(3) 1997 c. 46.

(4) 1999 c. 8.

“registered person”, in relation to a care home, means any person who is the registered provider or registered manager in respect of the care home;

“registered provider”, in relation to a care home, means a person who is registered under Part II of the Act as a person carrying on the care home;

“relative”, in relation to any person, means—

- (a) the person’s spouse;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse;
- (c) the spouse of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, and references to “spouse” in relation to any person include a former spouse and a person who is living with the person as husband and wife;

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at the care home, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“responsible individual” shall be construed in accordance with regulation 7(2)(c)(i);

“service user” means any person accommodated in the care home who is in need of nursing or personal care by reason of disability, infirmity, past or present illness, past or present mental disorder or past or present dependence on alcohol or drugs;

“service user’s guide” means the written guide produced in accordance with regulation 5(1);

“service user’s plan” means the written plan prepared in accordance with regulation 15(1);

“staff” means persons employed by the registered person to work at the care home but does not include a volunteer or a person employed under a contract for services;

“statement of purpose” means the written statement compiled in accordance with regulation 4(1).

(2) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment and whether under a contract of service or a contract for services and allowing a person to work as a volunteer; and references to an employee or to a person being employed shall be construed accordingly.

Excepted establishments

3.—(1) For the purposes of the Act, an establishment is excepted from being a care home if—

- (a) it is a health service hospital at which nursing is provided;
- (b) it provides accommodation, together with nursing, and is vested—
 - (i) in the Secretary of State for the purposes of his functions under the National Health Service Act 1977(5); or

- (ii) in an NHS trust⁽⁶⁾;
 - (c) it is a university;
 - (d) it is an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992⁽⁷⁾; or
 - (e) it is a school.
- (2) For the purposes of paragraph (1), “university” includes—
- (a) any university college;
 - (b) any college, or institution in the nature of a college, of a university.
- (3) The exception in paragraph (1)(d) does not apply if—
- (a) the establishment provides accommodation together with nursing or personal care to any person; and
 - (b) the number of such persons is more than one tenth of the number of students to whom it provides both education and accommodation.

Statement of purpose

4.—(1) The registered person shall compile in relation to the care home a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of—

- (a) a statement of the aims and objectives of the care home;
- (b) a statement as to the facilities and services which are to be provided by the registered person for service users; and
- (c) a statement as to the matters listed in Schedule 1.

(2) The registered person shall supply a copy of the statement of purpose to the Commission and shall make a copy of it available on request for inspection by every service user and any representative of a service user.

(3) Nothing in regulation 16(1) or 23(1) shall require or authorise the registered person to contravene, or not to comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

Service user’s guide

5.—(1) The registered person shall produce a written guide to the care home (in these Regulations referred to as “the service user’s guide”) which shall include—

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of accommodation to be provided for service users, including as to the amount and method of payment of fees;
- (c) a standard form of contract for the provision of services and facilities by the registered provider to service users;
- (d) the most recent inspection report;
- (e) a summary of the complaints procedure established under regulation 22;

⁽⁶⁾ See section 5 of the National Health Service and Community Care Act 1990 (c. 19) as amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and section 13(1) of the Health Act 1999 (c. 8).

⁽⁷⁾ 1992 c. 13.

- (f) the address and telephone number of the Commission.
- (2) The registered person shall supply a copy of the service user’s guide to the Commission and each service user.
- (3) Where a local authority has made arrangements for the provision of accommodation, nursing or personal care to the service user at the care home, the registered person shall supply to the service user a copy of the agreement specifying the arrangements made.

Review of statement of purpose and service user’s guide

- 6. The registered person shall—
 - (a) keep under review and, where appropriate, revise the statement of purpose and the service user’s guide; and
 - (b) notify the Commission and service users of any such revision within 28 days.