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STATUTORY INSTRUMENTS

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**2001 No. 3968**

The Private and Voluntary Health  
Care (England) Regulations 2001

PART III

CONDUCT OF HEALTH CARE ESTABLISHMENTS AND AGENCIES

CHAPTER 3

MANAGEMENT

**Visits by registered provider**

**26.**—(1) Where the registered provider is an individual, but is not in day to day charge of the establishment or agency, he shall visit the establishment or agency premises in accordance with this regulation.

(2) Where the registered provider is an organisation or a partnership, the establishment or 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 partnership who is not directly concerned with the conduct of the establishment or agency.

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

(4) The person carrying out the visit shall—

- (a) interview, with their consent and in private (if necessary, by telephone), such of the patients and their representatives and such employees as appears to him to be necessary in order to form an opinion of the standard of treatment and other services provided in or for the purposes of the establishment, or for the purposes of the agency;
- (b) inspect records of any complaints and, in the case of an establishment, its premises; and
- (c) prepare a written report on the conduct of the establishment or agency.

(5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to—

- (a) the Commission;
- (b) the 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.

### **Financial position**

27.—(1) The registered provider shall carry on the establishment or agency in such manner as is likely to ensure that the establishment or agency will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall, if the Commission so requests, provide the Commission with such information and documents as it may require for the purpose of considering the financial viability of the establishment or agency, including—

- (a) the annual accounts of the establishment or agency, certified by an accountant; or
- (b) the annual accounts of the organisation which is the registered provider of the establishment or agency, certified by an accountant, together with accounts relating to the establishment or agency itself.

(3) The registered person shall also provide the Commission with such other information as it may require in order to consider the financial viability of the establishment or agency, including—

- (a) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (b) information as to the financing and financial resources of the establishment or agency;
- (c) where the registered provider is a company, information as to any of its associated companies; and
- (d) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.

(4) In this regulation, one company is associated with another if one of them has control of the other, or both are under the control of the same person.