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STATUTORY INSTRUMENTS

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**2006 No. 1493**

**SOCIAL CARE, ENGLAND**

**The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2006**

<i>Made</i>	- - - -	<i>6th June 2006</i>
<i>Laid before Parliament</i>		<i>9th June 2006</i>
<i>Coming into force</i>		
<i>for all purposes except regulation 2(2) to (5) and (9)</i>		<i>1st July 2006</i>
<i>for the purposes of regulation 2(2) to (5) and (9)</i>		<i>1st September 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1), (2)(d) and (f), (5)(a), (7)(a) and (l), 25, and 118(5) to (7) of the Care Standards Act 2000(1). She has consulted such persons as she considers appropriate in accordance with section 22(9) of that Act.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2006.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st July 2006.

(3) Regulation 2(2) to (5) and (9) shall come into force on 1st September 2006.

(4) These Regulations apply in relation to England only.

**Amendment of the Care Homes Regulations 2001**

2.—(1) The Care Homes Regulations 2001(2) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), at the end of paragraph (1), add—

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(1) 2000 c. 14. The powers are exercisable by the appropriate Minister who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State. See section 121(1) for the definition of “prescribed” and “regulations”.  
(2) S.I.2001/3965. Relevant amending Regulations are S.I. 2002/865 and S.I. 2003/1703.

““working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales within the meaning of the Banking and Financial Dealings Act 1971.” .

- (3) In regulation 5 (service user’s guide)—
- (a) in paragraph (1), for sub-paragraph (b), substitute—
- “(b) a description of the standard services offered by the care home to service users;
  - (ba) the terms and conditions (other than those relating to fees) in respect of the provision to service users of accommodation (including the provision of food), personal care and (if available) nursing care;
  - (bb) details of the total fee payable in respect of the services referred to in sub-paragraphs (b) and (ba) and the arrangements for the payment of such a fee;
  - (bc) the arrangements in place for charging and paying for any services additional to those mentioned in sub-paragraphs (b) and (ba);
  - (bd) a statement of whether any of the matters mentioned in sub-paragraphs (b) to (bc) would be different in circumstances where a service user’s care was being funded, in whole or in part, by a person other than the service user;”;
- (b) in paragraph (2A)(3)—
- (i) after “requests a copy of the service user’s guide,” insert “or an extract of any of the information contained within it,”;
  - (ii) in sub-paragraph (b), for “to that person.” substitute “of the guide or the extracted information, as applicable, to that person,”; and
  - (iii) at the end, add “in either case, within five working days of the request being received by the care home.”; and
- (c) after paragraph (3), add—
- “(4) In paragraph (1)(bb), “total fee payable” means the fee payable before account is taken of any nursing contribution, as defined in regulation 5A(6), which may be payable by a Primary Care Trust in respect of a service user.”.
- (4) In regulation 5A (information about fees)(4)—
- (a) omit paragraph (1);
- (b) in paragraph (2), for “service user” in the first place where it occurs, substitute “person who becomes a service user on or after 1st September 2006”;
- (c) in paragraph (3)—
- (i) omit “at least one month in advance”, and
  - (ii) in sub-paragraph (a), at the end, add “, together with a statement of the reasons for such increase”;
- (d) after paragraph (3), insert—
- “(3A) Notification under paragraph (3) shall be given—
- (a) if it is practicable to do so, at least one month in advance of the increase or variation concerned; or
  - (b) in any other case, as soon as it is practicable to do so.”; and
- (e) in paragraph (4), at the beginning, insert “Where applicable,”.
- (5) After regulation 5A, insert—

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(3) Paragraph (2A) of regulation 5 was inserted by S.I. 2003/1703, regulation 2.

(4) Regulation 5A was inserted by S.I. 2003/1703, regulation 2.

**“Existing service users: transitory provisions**

**5B.**—(1) For the purposes of this regulation, an existing service user is a service user who is accommodated in a care home immediately prior to 1st September 2006.

(2) Except where such information has already been provided, the registered person shall, no later than 1st October 2006—

- (a) provide to each existing service user the information referred to in regulation 5A(2) (a) and (b);
- (b) inform each existing service user as to whether a nursing contribution is paid in respect of nursing being provided to him at the care home; and
- (c) where a nursing contribution is so paid, provide him with a statement specifying the information referred to in regulation 5A(5)(a) and (b), as modified in accordance with paragraph (3).

(3) The modifications referred to in paragraph (2)(c) are as if—

- (a) in sub-paragraph (b)(i), for “is to pay” there were substituted “pays” and for “deduct” there were substituted “deducts”; and
- (b) in sub-paragraph (b)(ii), “to be” were omitted.

(4) In this regulation, “nursing contribution” has the same meaning as in regulation 5A, subject to the omission of “to be”.”.

(6) For regulation 24 (review of quality of care), substitute—

**“Quality of services**

**24.**—(1) The registered person shall establish and maintain a system for evaluating the quality of the services provided at the care home.

(2) At the request of the Commission, 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, the care home—

- (a) provides good quality services for service users;
- (b) takes the views of service users and their representatives 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) has responded to recommendations made or requirements imposed by the Commission in relation to the care home over the period specified in the request.

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

(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 provided in the care home.

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

(7) After regulation 24, insert—

### **“Improvement plan**

**24A.**—(1) If requested to do so by the Commission, 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 provided in the care home.

(2) The registered person shall provide a written copy of the improvement plan to the Commission 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) service users and their representatives; and
- (b) where children are accommodated in the care home, the parents of the children so accommodated and, in relation to those children, the placing authorities.”.

(8) For regulation 35 (review of quality of care), substitute—

### **“Assessment of quality of services**

**35.** Regulation 24 shall have effect as if—

- (a) the system referred to in paragraph (1) of regulation 24 included monitoring at appropriate intervals the matters set out in Schedule 7; and
- (b) in paragraphs (2)(b) and (5) of regulation 24, for “and their representatives” there were substituted “, their representatives, the parents of the children accommodated at the care home and, in relation to those children, the placing authorities.”.

(9) In regulations 36 and 43 (offences), after “5A” insert “5B.”.

### **Amendment of the Nurses Agencies Regulations 2002**

**3.**—(1) The Nurses Agencies Regulations 2002(5) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), in paragraph (1), after the definition of “registered provider”, insert—

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

(3) For regulation 19 (review of quality of service provision), substitute—

### **“Assessment of quality of services**

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

(2) At the request of the Commission, 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, the agency—

- (a) provides good quality services for service users;
- (b) takes the views of service users and their representatives into account in deciding—
  - (i) what services to offer to them, and
  - (ii) the manner in which such services are to be provided; and

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(5) S.I. [2002/3212](#), to which there are amendments not relevant to these Regulations.

(c) has responded to recommendations made or requirements imposed by the Commission in relation to the agency over the period specified in the request.

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

(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 provided by the agency.

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

(4) After regulation 19, insert—

**“Improvement plan**

**19A.**—(1) If requested to do so by the Commission, 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 provided by the agency.

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

(3) A copy of the plan shall be made available to service users and their representatives.”.

**Amendment of the Domiciliary Care Agencies Regulations 2002**

**4.**—(1) The Domiciliary Care Agencies Regulations 2002<sup>(6)</sup> are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), in paragraph (1), after the definition of “registered provider”, insert—

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

(3) For regulation 21 (review of quality of service provision), substitute—

**“Assessment of quality of services**

**21.**—(1) The registered person shall establish and maintain a system for evaluating the quality of the services which the agency arranges to be provided.

(2) At the request of the Commission, 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, the agency—

- (a) arranges the provision of good quality services for service users;
- (b) takes the views of service users and their representatives 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) has responded to recommendations made or requirements imposed by the Commission in relation to the agency over the period specified in the request.

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(6) S.I. [2002/3214](#) to which there are amendments not relevant to these Regulations.

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

(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 the agency arranges to be provided.

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

(4) After regulation 21, insert—

**“Improvement plan**

**21A.**—(1) If requested to do so by the Commission, 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 the agency arranges to be provided.

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

(3) A copy of the plan shall be made available to service users and their representatives.”.

**Amendment of the Adult Placement Schemes (England) Regulations 2004**

**5.**—(1) The Adult Placement Schemes (England) Regulations 2004(7) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), after the definition of “relative”, insert—

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

(3) For regulation 24 (review of quality of scheme’s operations), substitute—

**“Assessment of quality of services**

**24.**—(1) The registered person shall establish and maintain a system for evaluating the quality of the services which are provided under the scheme.

(2) At the request of the Commission, 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 under the scheme;
- (b) the views of service users and their representatives are taken into account in deciding—
  - (i) what services to offer to them under the scheme; and
  - (ii) the manner in which such services are to be provided; and
- (c) recommendations made or requirements imposed by the Commission in relation to the scheme over the period specified in the request have received a response.

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

(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 under the scheme.

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

(4) After regulation 24, insert—

**“Improvement plan**

**24A.**—(1) If requested to do so by the Commission, 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 under the scheme.

(2) The registered person shall provide a written copy of the improvement plan to the Commission 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 scheme’s adult placement carers; and
- (b) service users and their representatives.”.

Signed by authority of the Secretary of State for Health

6th June 2006

*Ivan Lewis*  
Parliamentary Under Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

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

These Regulations, which apply to establishments and agencies in England only, amend certain regulations made under the Care Standards Act 2000 in respect of care homes, nurses agencies, domiciliary care agencies and adult placement schemes.

Regulation 2 of these Regulations amends the Care Homes Regulations 2001 as follows.

- Regulation 2(1) (interpretation) is amended in order to include a definition of “working day”.
- Paragraph (1) of regulation 5 (service user’s guide) is amended to require greater detail to be included in a service user’s guide relating to the standard package of services provided in the care home, the terms and conditions which apply to key services and fee levels and payment arrangements. The guide is also required to state whether the terms and conditions (including fees) would be different in circumstances where a service user’s care is funded, in whole or in part, by someone other than the service user.
- Paragraph (2A) of regulation 5 is amended so that a person can request an extract of the information contained in the service user’s guide instead of a copy of the whole guide. In addition, it is amended to provide that the copy, or the extract, must be provided within 5 working days of any request being received by the care home.
- Regulation 5A, which deals with information about fees to be given to service users, is amended so as to apply to all care homes, and not just to those where nursing is provided. It is further amended to require any notice of increase of fees to be accompanied by a statement of the reasons for such an increase and to qualify the requirement that any increase in fees must be notified at least one month in advance, to reflect the fact that such notice may not always be practicable.
- A new regulation 5B is inserted and contains transitory provisions relating to the provision of information relating to fees to existing service users who are defined as those accommodated in a care home immediately prior to 1st September 2006 (the date on which the new fees requirements come into force).
- Regulation 24 (review of quality of care), is substituted with a new provision requiring a system to be put in place by the registered provider for evaluating the quality of services provided at the care home, and for reports based on this system to be given to the Commission on request. Consequential amendments are made to regulation 35 which deals with the application of regulation 24 to children.
- A new regulation 24A provides that, if the Commission so requests, the registered person in respect of a care home must produce an improvement plan detailing how he intends to improve the services provided in the home. In addition, a written copy of that plan must be provided to the Commission and must be made available to service users and their representatives and to the parents and placing authorities of children accommodated in a care home.
- Regulations 36 and 43 (offences) are amended in order to insert a reference to the new regulation 5B.

Regulations 3, 4, and 5 amend the Nurses Agencies Regulations 2002, the Domiciliary Care Agencies Regulations 2002 and Adult Placement Schemes (England) Regulations 2004 respectively in order to substitute provisions dealing with the review of quality of service provision with new regulations dealing with the assessment of quality of services in the same terms as regulation 24 of



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the Care Homes Regulations set out above. In addition, provision is made in each of these sets of Regulations for an improvement plan in the same terms as for the Care Homes Regulations described above.

Two Regulatory Impact Assessments have been prepared for these Regulations – one relating to the provision of information about prices/fees and the other relating to evaluating the quality of services. Copies of both assessments have been placed in the library of each House of Parliament. Copies can also be obtained from the Department of Health's website. In addition, copies can be obtained from Room 129, Wellington House, 133-135 Waterloo Road, London SE1 8UG.