

SCHEDULE 1

Regulation 4

INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

1. The aims and objectives of the agency.
2. The nature of the services which the agency provides.
3. The name and address of the registered provider and of any registered manager.
4. The relevant qualifications and experience of the registered provider and any registered manager.
5. The range of qualifications of nurses supplied by the agency, and the types of settings in which they are supplied to work.
6. The complaints procedure established in accordance with regulation 18.

SCHEDULE 2

Regulations 7(3), 9(2) and 12(2)

INFORMATION REQUIRED IN RESPECT OF REGISTERED PROVIDERS AND MANAGERS OF AN AGENCY AND NURSES RESPONSIBLE FOR SELECTING NURSES FOR SUPPLY TO SERVICE USERS

1. Proof of identity, including a recent photograph.
2. Either —
 - (a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part II of the Care Standards Act 2000)(**1**), or the position falls within section 115(3) or (4) of that Act(**2**), an enhanced criminal record certificate issued under section 115 of that Act; or
 - (b) in any other case, a criminal record certificate issued under section 113 of that Act,including, where applicable, the matters specified in sections 113(3A) and 115(6A) of that Act and the following provisions once they are in force, namely section 113(3C)(a) and (b) and section 115(6B)(a) and (b) of that Act(**3**).
3. Two written references, including a reference relating to the last period of employment of not less than three months duration.
4. Where a person has previously worked in a position which involved work with children or vulnerable adults, verification of the reason why the employment or position ended except where the National Assembly has determined that all reasonable steps have been taken to obtain such verification but it is not available.
5. Documentary evidence of any relevant qualifications and training.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

(1) Section 115(5)(ea) is inserted by the Care Standards Act 2000, section 104.

(2) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18. A position is within section 115(4) if it is of a kind specified in regulations and involves regularly caring for, training, supervising or being in sole charge of persons aged 18 or over.

(3) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c. 14), and amended by sections 104 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000. Sections 113(3C) and 115(6B) are added to the Police Act 1997 by section 90 of the Care Standards Act 2000 on a date to be appointed.

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7. In respect of a nurse to whom regulation 12(2) applies, confirmation of current registration with the Nursing and Midwifery Council(4), including details of the Part of the register in which the nurse is registered.

8. Details of any professional indemnity insurance.

9. A police check being a report produced by or on behalf of a chief officer of police within the meaning of the Police Act 1997 which records, as at the time the report is produced, all criminal offences —

- (a) for which the person has been convicted including convictions which are spent within the meaning of the Rehabilitation of Offenders Act 1974(5) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(6); or
- (b) in respect of which the person has been cautioned and which, at the time the caution was given, the person admitted.

SCHEDULE 3

Regulation 12(1)

INFORMATION REQUIRED IN RESPECT OF NURSES TO BE SUPPLIED BY AN AGENCY

1. Name, address, date of birth and telephone number.

2. Name, address and telephone number of next of kin.

3. Proof of identity, including a recent photograph.

4. Either —

- (a) where the position which the nurse is supplied to perform falls within section 115(3) or (4) of the Police Act 1997, an enhanced criminal record certificate issued under section 115 of that Act; or
- (b) in any other case, a criminal record certificate issued under section 113 of that Act,

including, where applicable, the matters specified in sections 113(3A) and 115(6A) of that Act and the following provisions once they are in force, namely section 113(3C)(a) and (b) and section 115(6B)(a) and (b) of that Act.

5. A police check, being a report produced by or on behalf of a chief officer of police within the meaning of the Police Act 1997 which records, as at the time the report is produced, all criminal offences —

- (a) which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(7); or
- (b) in respect of which the person has been cautioned and which, at the time the caution was given, the person admitted.

6. Two written references from nurses or other health professionals, including a reference relating to the last period of employment as a nurse of not less than three months duration.

7. Where a nurse has previously worked in a position which involved work with children or vulnerable adults, verification of the reason why he or she ceased to work in that position, except where the National Assembly has determined that all reasonable steps have been taken to obtain such verification but it is not available.

(4) The register is maintained pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 (S.I.2002/253).

(5) 1974 c. 53.

(6) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, S.I. 1986/2268 and S.I. 2001/1192.

(7) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, 1986/2268, 2001/1192 and 2002/441.

8. Evidence of a satisfactory knowledge of the English language, where the nurse's nursing qualifications were obtained outside the United Kingdom.
9. Documentary evidence of any relevant qualifications and training.
10. A full employment history, together with a satisfactory written explanation of any gaps in employment and details of any current employment other than for the purposes of the agency.
11. Record of immunisation status.
12. Confirmation of current registration with the Nursing and Midwifery Council, including details of the Part of the register in which the nurse is registered.
13. Details of any professional indemnity insurance.

SCHEDULE 4

Regulation 17

RECORDS TO BE MAINTAINED FOR INSPECTION

Records relating to supply of nurses

1. Copies of all agreements between the agency and nurses supplied or to be supplied by the agency and evidence that a copy of any standard terms and conditions has been supplied by the agency to each nurse.
2. Details of the remuneration payable to each nurse who is employed by the agency and her conditions of employment.
3. Copies of any statement given to a service user setting out the qualifications and relevant experience of a nurse supplied to that service user.
4. An alphabetical index of service users, including the full name, address and telephone number of each of them and any serial numbers assigned to them.
5. An alphabetical index of nurses supplied or available for supply by the agency, including any serial numbers assigned to them.
6. Details of each supply of a nurse to a service user.
7. Where the agency is acting as an employment business and a nurse is supplied to provide nursing care in the private residence of a service user or patient, details of —
 - (a) the illness or disability from which the patient is suffering;
 - (b) the name and address of the patient's general medical practitioner;
 - (c) other health professionals from whom the patient is receiving treatment;
 - (d) the patient's next of kin;
 - (e) the patient's religion;
 - (f) other occupants at the premises where nursing will be provided; and
 - (g) the nursing plan devised for the patient and a detailed record of the nursing care provided.

Other records

1. All information provided to the National Assembly for the purposes of registration in relation to the agency.
2. Details of every allegation of abuse —

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- (a) against a nurse; or
- (b) by a nurse (which is not the subject of a complaint made under regulation 18),

who is employed by the agency, including details of the investigations made, the outcome and any action taken in consequence.

SCHEDULE 5

Regulation 30

Transition from licensing under the 1957 Act to registration under the 2000 Act

1.—(1) This sub-paragraph applies to a nurses agency provider (referred to as “the provider” (“y darparrydd”) in the following provisions of this Schedule) when in accordance with sub-paragraph (6) he or she is treated as having applied for and been granted registration under Part II of the 2000 Act in respect of the agency that he or she was licensed to carry on under the 1957 Act.

(2) The 1957 Act shall continue in force for the purpose of giving effect to the following provisions of this paragraph.

(3) Until such time as sub-paragraph (1) applies in relation to a nurses agency provider the provisions of the 1957 Act shall continue in force in relation to, and in respect of, the provider as if any reference in the 1957 Act to the licensing authority is a reference to the National Assembly.

(4) The National Assembly, having regard to any representations made by the provider under sub-paragraph (9), shall determine at such time as it thinks fit, the matters described in sub-paragraph (5), and serve notice of its determination upon the provider.

(5) The matters are —

- (a) the conditions (if any) to which the registration of the provider under the 1957 Act was subject;
- (b) any other matter in so far as the determination of that matter is necessary to enable the provider, in accordance with sub-paragraph (6), to be treated for the purposes of Part II of the 2000 Act as having applied for and been granted registration in respect of the agency;

and any determination of the National Assembly under sub-paragraph (4) shall for the purposes of section 21 of the 2000 Act (appeals to the Tribunal) be treated as if it were a decision of the Assembly under Part II of that Act.

(6) When the National Assembly has made a determination in accordance with sub-paragraph (4), then with effect from a date specified by the National Assembly ('the effective date') —

- (a) the provider shall, for the purposes of Part II of the 2000 Act, be treated as having applied for and been granted registration in respect of the existing undertaking;
- (b) the conditions (if any) determined in accordance with sub-paragraph (5)(a) shall, in so far as they are capable of being conditions to which the registration for the purposes of Part II of the 2000 Act is subject, have effect —
 - (i) as if they were conditions to which the registration for those purposes is subject; and
 - (ii) as if, for the purposes of section 19(1) of the 2000 Act, they had been agreed in writing between the provider and the National Assembly.

(7) On, or before, the effective date in respect of a determination under this paragraph the National Assembly shall issue a certificate to the provider —

- (a) the contents of which shall be in accordance with any regulations made under section 16(1)
- (b) of the 2000 Act about the contents of certificates issued under Part II of that Act; and

(b) which shall be treated as if it were a certificate in respect of the existing undertaking issued by the National Assembly under Part II of the 2000 Act.

(8) The provisions of sub-paragraphs (5) and (6) shall be without prejudice to the powers of the National Assembly to vary, remove or impose any condition in accordance with Part II of the 2000 Act.

(9) Before making a determination as to the matters described in sub-paragraph (5) in relation to an existing undertaking the National Assembly shall give notice in writing to the provider informing the provider that he or she may, within twenty eight days of the receipt of that notice, make written representations about the determination, and that no determination will be made before the expiry of those twenty eight days.

Transfer of outstanding applications for licensing under the 1957 Act

2.—(1) Sub-paragraph (3) applies to an application for a licence under the 1957 Act to carry on an agency for the supply of nurses —

(a) which has been made to an authority before 2nd October 2003 and which has not been granted at that date; and

(b) to which sub-paragraph (2) does not apply.

(2) This sub-paragraph applies to an application in respect of which the authority has given the person who made the application —

(a) notice under section 2(4) of the 1957 Act of the refusal of a licence, or the grant of a licence subject to conditions and either —

(i) the period for appealing in respect of that notice has not expired; or

(ii) the person who made the application has appealed but the appeal has not been determined or abandoned; or

(b) the opportunity of being heard under section 2(5) of that Act in respect of any proposal to refuse to grant a licence, unless —

(i) the person has not, within the time allowed by the authority in the notice giving opportunity to be heard, taken the opportunity so offered or indicated that he or she wishes to do so; or

(ii) the authority has given notice of the refusal of a licence.

(3) Where this sub-paragraph applies in relation to an application that application shall be treated as an application for registration under Part II of the 2000 Act.

(4) Where sub-paragraph (2) applies —

(a) the 1957 Act shall, subject to the next following paragraph of this sub-paragraph, continue in force in relation to the following matters —

(i) the decision to grant or refuse a licence under section 2 of that Act;

(ii) an appeal against such a decision;

(b) the functions, powers and duties that immediately before 2nd October 2003 the authority had under that Act in relation to the matters mentioned in the preceding paragraph of this sub-paragraph shall apply to, and be exercisable by, the National Assembly instead of the authority;

(c) the decision to adopt a proposal to grant an application with effect from the date on which it takes effect, shall be treated for the purposes of Part II of the Act —

(i) as if it were a decision to adopt a proposal to grant an application for registration in respect of a nurses agency;

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(ii) as if it had taken effect in accordance with section 19(5) of the Act.

Pending decision as to cancellation

3. Where the authority have revoked the licence of the existing provider in respect of the existing undertaking, and either —

- (a) the period for appealing against the revocation has not expired; or
- (b) the existing provider has appealed under section 2(4) of the 1957 Act and the appeal has not been determined or abandoned,

the existing provider shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of that existing undertaking.

Pending proposal as to cancellation

4.—(1) This sub-paragraph applies where, immediately before the effective date —

- (a) the authority or the National Assembly are considering whether to revoke the licence of the existing provider in respect of the existing undertaking;
- (b) in pursuance of section 2(5) of the 1957 Act the existing provider has been given an opportunity of being heard; and
- (c) the authority or the National Assembly have not determined the matter.

(2) Where sub-paragraph (1) applies —

- (a) subject to paragraph (b) of this sub-paragraph, the notice informing the existing provider that he or she is to be given the opportunity of being heard shall, for the purposes of Part II of the Act, and notwithstanding that it does not comply with the requirements for such a notice under the Act, be treated with effect from the effective date as if it were a notice of proposal given under section 17(4) of the Act to cancel the registration (otherwise than in accordance with an application under section 15(1)(b)), in respect of the existing undertaking;
- (b) section 18(2) of the Act shall have effect as if —
 - (i) in paragraph (a) the word “written” were omitted;
 - (ii) for paragraph (c) the following paragraph were substituted —

“(c) the person who is registered in respect of the agency has been given an opportunity to make oral or written representations to the National Assembly concerning the matter within a reasonable period and has failed to make them within that period.”

Transfer of Information and documents

5. An authority shall pass to the National Assembly —

- (a) forthwith at the coming into force of these Regulations all information and documents which are in their possession relating to the licensing of any nurses agency in relation to which immediately before the coming into force of these regulations it is exercising the functions of the licensing authority under the 1957 Act;
- (b) as soon as practicable, all such information or documents which come into their possession after the coming into force of these Regulations.