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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 176**

**The Children's Homes Regulations (Northern Ireland) 2005**

**PART VI**

**MISCELLANEOUS**

**Notice of absence**

**36.—(1)** Where –

- (a) the registered provider, if he is the person in day to day charge of the children's home; or
- (b) the registered manager,

proposes to be absent from the home for a continuous period of 28 days or more, the registered person shall give notice in writing to the Regulation and Improvement Authority of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with the Regulation and Improvement Authority and the notice shall specify with respect to the proposed absence –

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the children's home;
- (d) the name, address and qualifications of the person who will be responsible for the home during the absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been or are proposed to be made for appointing another person to manage the children's home during the absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where –

- (a) the registered provider if he is the person in day to day charge of the home; or
- (b) the registered manager,

has been absent from the children's home for a continuous period of 28 days or more, and the Regulation and Improvement Authority has not been given notice of the absence, the registered person shall without delay give notice in writing to the Regulation and Improvement Authority specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the Regulation and Improvement Authority of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

### **Notice of changes**

37. The registered person shall give notice in writing to the Regulation and Improvement Authority as soon as it is practicable to do so if any of the following events take place or are proposed to take place –

- (a) a person other than the registered person carries on or manages the children’s home;
- (b) a person ceases to carry on or manage the home;
- (c) where the registered provider is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation –
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
  - (iii) there is to be any change in the identity of the responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed, or he makes a composition or arrangement with his creditors;
- (g) where the registered provider is a company, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (h) the premises of the home are significantly altered or extended, or additional premises are acquired.

### **Appointment of liquidators etc.**

38.—(1) Any person to whom paragraph (2) applies shall –

- (a) forthwith notify the Regulation and Improvement Authority of his appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the children’s home in any case where there is no registered manager; and
- (c) not more than 28 days after his appointment notify the Regulation and Improvement Authority of his intentions regarding the future operation of the home.

(2) This paragraph applies to any person appointed as –

- (a) the receiver or manager of the property of a company or partnership which is a registered provider of a children’s home;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of a children’s home; or
- (c) the trustee in bankruptcy of a registered provider of a children’s home.

### **Death of registered person**

39.—(1) If more than one person is registered in respect of a children’s home, and a registered person dies, the other registered person shall without delay notify the Regulation and Improvement Authority of the death in writing.

(2) If only one person is registered in respect of a children’s home, and he dies, his personal representatives shall notify the Regulation and Improvement Authority in writing –

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future running of the home.

(3) The personal representatives of the deceased registered provider may carry on the home without being registered in respect of it –

- (a) for a period not exceeding 28 days;
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The Regulation and Improvement Authority may extend the period specified in paragraph (3) (a) by such further period, not exceeding one year, as the Regulation and Improvement Authority shall determine and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to take full-time day to day charge of the home during any period in which in accordance with paragraph (3), they carry on the children's home without being registered in respect of it.

### **Offences**

**40.**—(1) A contravention of the provisions of regulations 4 to 37 shall be an offence.

(2) The Regulation and Improvement Authority shall not bring proceedings against a person in respect of any contravention of those regulations unless –

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice, within which the registered person may make representations to the Regulation and Improvement Authority, has expired; and
- (d) in a case where, in accordance with paragraph (3)(b), the notice specifies any action that is to be taken within a specified period, the period has expired and the action has not been taken within that period.

(3) Where the Regulation and Improvement Authority considers that the registered person has contravened any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying –

- (a) in what respect in its opinion the registered person has contravened any of the regulations;
- (b) where it is practicable for the registered person to take action for the purpose of complying with any of those regulations, the action which, in the opinion of the Regulation and Improvement Authority, the registered person should take for that purpose;
- (c) the period, not exceeding three months, within which the registered person should take any action specified in accordance with sub-paragraph (b); and
- (d) the period, not exceeding one month, within which the registered person may make representations to the Regulation and Improvement Authority about the notice.

(4) The Regulation and Improvement Authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 27(3) or 28(2) and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

### **Compliance with Regulations**

**41.** Where there is more than one registered person in respect of a children's home, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

### **Revocations**

**42.** The following Regulations are revoked –

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) the Children's Homes Regulations (Northern Ireland) 1996<sup>(1)</sup>; and
- (b) regulation 11 of the Health Services (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999<sup>(2)</sup>.

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<sup>(1)</sup> S.R. 1996 No. 479

<sup>(2)</sup> S.R. 1999 No.100, to which there are amendments not relevant to these Regulations