
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. Part II of the Order establishes the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority (“the Regulation and Improvement Authority”) and Part III provides for the registration and inspection of establishments and agencies, including day care settings, by the Regulation and Improvement Authority. It also provides powers for regulations governing the conduct of establishments and agencies.

Regulation 3 prescribes the services in a day care setting as the provision of personal care.

Under regulations 4, 5, 6 and 7 each day care setting must have a statement of purpose consisting of the matters set out in Schedule 1, and supply a guide (which must be kept under review) to the day care setting to each service user together with a statement giving information about fees payable.

Regulations 8 to 11 make provision about the fitness of the persons carrying on and managing the day care setting, and require satisfactory information to be available in relation to certain specified matters. Where an organisation carries on the day care setting, it must nominate a responsible individual in respect of whom this information must be available (regulation 8). Regulation 9 prescribes the circumstances where a manager must be appointed for the day care setting, and regulation 11 imposes general requirements in relation to the proper conduct of the day care setting, and the need for appropriate training.

Regulation 12 requires the registered person or responsible individual to give notice in writing to the Regulation and Quality Improvement Authority of any criminal convictions.

Regulations 13 to 25 make provision about the conduct of day care settings, in particular as to care and welfare of service users, and as to the facilities and services that are to be provided. Provision is also made about record keeping, persons employed in day care settings, the fitness of workers, and about complaints.

Regulation 26 makes provision about the suitability of premises and fire precautions to be taken.

Regulations 27 and 28 deal with the management of day care settings. Regulation 27 imposes requirements relating to the day care setting’s financial position. Regulation 28 requires the registered provider to visit the day care setting as prescribed.

Regulations 29 to 36 deal with miscellaneous matters including the giving of notices to the Regulation and Improvement Authority. Regulation 35 provides for offences. A breach of the regulations specified in regulation 35 is an offence. However, no prosecution may be brought unless the Regulation and Improvement Authority has first given the registered person a notice which sets out in what respect it is alleged he is not complying with a regulation, and what action the Regulation and Improvement Authority considers it is necessary for him to take in order to comply. The notice must specify a time period for compliance, not exceeding three months.