
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 234

The Day Care Setting Regulations (Northern Ireland) 2007

PART VI

MISCELLANEOUS

Notification of death, illness and other events

29.—(1) The registered person shall give notice to the Regulation and Improvement Authority without delay of the occurrence of—

- (a) the death of any service user in the day care setting, including the circumstances of his death;
- (b) the outbreak in the day care setting of any infectious disease which in the opinion of any general medical practitioner is sufficiently serious to be so notified;
- (c) any serious injury to a service user in the day care setting;
- (d) any event in the day care setting which adversely affects the wellbeing or safety of any service user;
- (e) any theft or burglary in the day care setting;
- (f) any accident in the day care setting;
- (g) any allegation of misconduct by the registered person or any person who works in the day care setting.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing within 3 working days of the oral report.

Notice of absence

30.—(1) Where—

- (a) the registered provider, if he is an individual who manages the day care setting himself; or
- (b) the registered manager;

proposes to be absent from the day care setting for a continuous period of 28 days or more, the registered provider 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 28 days 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—

- (a) the length or expected length of the absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for the running of the day care setting during that absence;

- (d) the name, address and qualifications of the person who will be managing the day care setting during that 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 day care setting during that 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 provider shall give notice of the absence within one week of its occurrence specifying the matters mentioned in paragraph (2) (a) to (e).

(4) Where—

- (a) the registered provider, if he is an individual who manages the day care setting himself; or
- (b) the registered manager;

has been absent from the day care setting 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 provider shall without delay give notice in writing to the Regulation and Improvement Authority of the absence, specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered provider 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

31. 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 takes place or is proposed to take place—

- (a) a person other than the registered person carries on or manages the day care setting;
- (b) a person ceases to carry on or manage the day care setting;
- (c) where the registered person 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 of responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (g) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (h) the premises of the day care setting are significantly altered or extended, or additional premises are acquired.

Notice of termination of the provision of care in the day care setting

32.—(1) Subject to paragraph (2), the registered person shall not terminate the arrangements for the provision of care in the day care setting of a service user unless he has given reasonable notice of his intention to do so to—

- (a) the service user;

- (b) the person who appears to be the service user's next of kin; and
 - (c) where an HSS trust has made arrangements for the provision of care to the service user in the day care setting, that trust.
- (2) If it is impracticable for the registered person to comply with the requirement in paragraph (1)

- (a) he shall do so as soon as it is practicable to do so; and
- (b) he shall provide to the Regulation and Improvement Authority a statement as to the circumstances which made it impracticable for him to comply with the requirement.

Appointment of liquidators etc.

- 33.**—(1) Any person to whom paragraph (2) applies must—
- (a) forthwith notify the Regulation and Improvement Authority of his appointment, indicating the reasons for it;
 - (b) appoint a manager in any case where there is no registered manager; and
 - (c) within 28 days of his appointment notify the Regulation and Improvement Authority of his intentions regarding the future operation of the day care setting.
- (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 in respect of a day care setting;
 - (b) a liquidator or provisional liquidator of a company which is a registered provider of a day care setting; or
 - (c) the trustee in bankruptcy of a registered provider of a day care setting.

Death of registered person

34.—(1) If more than one person is registered in respect of a day care setting, and a registered person dies, the surviving 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 day care setting, and he dies, his personal representatives shall notify the Regulation and Improvement Authority in writing—

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

(3) The personal representatives of the deceased registered provider may carry on the day care setting without being registered in respect of it—

- (a) for a period not exceeding 28 days; and
- (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 manage the day care setting during any period in which, in accordance with paragraph (3), they carry on the day care setting without being registered in respect of it.

Offences

35.—(1) A contravention of any of the provisions of regulations 4 to 7, 12, 13(1) to (4) and (7) to (9), 14, 15 to 17, 18, 19 to 24 and 26 to 32, 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 the requirements of any of the regulations;
- (b) what action, in the opinion of the Regulation and Improvement Authority, the registered person should take so as to comply with any of those regulations;
- (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 19 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

36. Where there is more than one registered person in respect of a day care setting, 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.