

2003 No. 1703

SOCIAL CARE, ENGLAND

The Care Homes (Amendment No. 2) Regulations 2003

Made - - - - - *7th July 2003*
Laid before Parliament *14th July 2003*
Coming into force *1st September 2003*

The Secretary of State, in exercise of the powers conferred upon him by sections 22(1) and (7)(a), 25(1) and 118(5) to (7) of the Care Standards Act 2000(a), and all other powers enabling him in that behalf, having consulted such persons as he considers appropriate, hereby makes the following Regulations:—

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Care Homes (Amendment No. 2) Regulations 2003 and shall come into force on 1st September 2003.
- (2) These Regulations apply to England only.

Amendment of the Care Homes Regulations 2001

- 2.—(1) The Care Homes Regulations 2001(b) shall be amended in accordance with the following provisions of this regulation.
- (2) In regulation 5 (service user’s guide), after paragraph (2) there shall be inserted the following paragraph—
- “(2A) If a person other than a service user or the Commission requests a copy of the service user’s guide, the registered person shall either—
- (a) make the service user’s guide available for inspection by that person at the care home; or
 - (b) supply a copy to that person.”.
- (3) After regulation 5, there shall be inserted the following regulation—

“Information about fees

- 5A—(1) This regulation shall apply where nursing is provided by the care home.
- (2) The registered person shall provide to each service user, by not later than the day on which he becomes a service user, a statement specifying—
- (a) the fees payable by or in respect of the service user for the provision to the service user of any of the following services—

(a) 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 definitions of “prescribed” and “regulations”.

(b) S.I. 2001/3965, to which there are amendments not relevant to these Regulations.

- (i) accommodation, including the provision of food;
 - (ii) nursing; and
 - (iii) personal care,
- and, except where a single fee is payable for those services, the services to which each fee relates;
- (b) the method of payment of the fees and the person or persons by whom the fees are payable.
- (3) The registered person shall notify the service user at least one month in advance of—
- (a) any increase in the fees referred to in paragraph (2)(a) and payable by or in respect of the service user;
 - (b) any variation in the matters referred to in paragraph (2)(b).
- (4) The registered person shall inform the service user—
- (a) if it is practicable to do so, by not later than 28 days after the day on which he becomes a service user; or
 - (b) in any other case, as soon as it becomes practicable to do so,
- as to whether a nursing contribution is to be paid in respect of nursing to be provided at the care home to the service user.
- (5) Where a nursing contribution is paid in respect of nursing provided at the care home to the service user, the registered person shall provide to the service user a statement specifying—
- (a) the date of payment and the amount of the nursing contribution; and
 - (b) either—
 - (i) the date (if any) on which the registered person is to pay the amount of the nursing contribution to the service user or deduct that amount from the fees referred to in paragraph (2)(a); or
 - (ii) if the nursing contribution is not to be so paid or deducted, whether and if so how it is taken into account for the purpose of calculating those fees.
- (6) In this regulation, “nursing contribution” means a payment by a Primary Care Trust^(a) to the registered person in respect of nursing to be provided to a service user at the care home, but does not include a payment where—
- (a) the Primary Care Trust has made arrangements with the care home for the provision of accommodation to the service user; and
 - (b) the payment relates to any period for which under those arrangements accommodation is provided at the care home to the service user.”.
- (4) In regulations 36 and 43 (offences), after “5,” there shall be inserted “5A,”.

Signed by authority of the Secretary of State for Health

7th July 2003

Stephen Ladyman
Parliamentary Under Secretary of State,
Department of Health

^(a) See section 16A of the National Health Service Act 1977 (c. 49). Section 16A was inserted by section 2(1) of the Health Act 1999 (c.8), and amended by section 2(1) to (3) of the National Health Service Reform and Health Care Professions Act 2002 (c.17).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Homes Regulations 2001 to provide that a person registered in respect of carrying on or managing a care home (“the registered person”) must:

— make available at the request of any person the written guide to the care home (“the service user’s guide”) (regulation 2(2));

— where nursing is provided by the care home, provide a service user with the following information (regulation 2(3))—

a statement as to the care home’s fees for accommodation, nursing and personal care, and other information in relation to payment of the fees;

any variation in the fees or other matters referred to in the statement;

information in relation to certain payments (“nursing contributions”) to the registered person by a Primary Care Trust in respect of nursing provided to the service user at the care home;

a statement specifying either the date when any nursing contribution is to be paid to the service user or deducted from the care home’s fees, or otherwise how the nursing contribution is to be taken into account for the purpose of calculating the fees.

Failure by the registered person to comply with the requirements mentioned above is made an offence (regulation 2(4)).

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department of Health’s website: www.doh.gov.uk/regulatoryimpact/index.htm, or www.doh.gov.uk/jointunit/nhsfundednursingcare.

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