
STATUTORY INSTRUMENTS

2004 No. 2071

The Adult Placement Schemes (England) Regulations 2004

PART 4

CONDUCT OF ADULT PLACEMENT SCHEMES

CHAPTER 5

NOTICES TO BE GIVEN TO THE CSCI

Notification of incidents

33.—(1) The registered person shall notify the CSCI if an incident described in paragraph (2) takes place.

(2) That notification must be made within 24 hours of the registered person being informed, or otherwise becoming aware, of the incident.

(3) The incidents are—

- (a) the death of any service user, including the circumstances of his death;
- (b) the outbreak within the adult placement carer's home of any infectious disease which in the opinion of any registered medical practitioner attending persons in the home is sufficiently serious to be so notified;
- (c) any serious injury to a service user;
- (d) any serious illness of a service user;
- (e) any event of which the adult placement carer is aware which adversely affects the well-being or safety of any service user;
- (f) any theft or burglary at the adult placement carer's home;
- (g) any incident which—
 - (i) occurs in connection with the placement; and
 - (ii) is reported to, or investigated by the police;
- (h) any allegation of misconduct by a service user in relation to the adult placement carer or a member of his family;
- (i) any unexplained absence of more than 12 hours of a service user from the adult placement carer's home.

(4) Any notification under this regulation which is given orally shall be confirmed in writing.

(5) The registered person must ensure that members of staff are required to inform the registered person forthwith when they become aware of the occurrence of any of the incidents described in paragraph (3).

Notice of absence

34.—(1) Where—

- (a) the registered provider, if he is an individual; or
- (b) the registered manager,

proposes to be absent from the scheme for a continuous period of 28 days or more, the registered person shall give notice in writing to the CSCI 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 absence commences, or within such shorter period as may be agreed with the CSCI and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for running the scheme during the absence;
- (d) the name, address and qualifications of the person responsible for the scheme 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 scheme during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as the 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 (2)(a) to (e).

(4) Where—

- (a) the registered provider, if he is an individual; or
- (b) the registered manager,

has been absent from the scheme for a continuous period of 28 days or more, and the CSCI has not been given notice of the absence, the registered person shall forthwith give notice in writing to the CSCI specifying the matters mentioned in sub-paragraphs (2)(a) to (e).

(5) The registered person shall notify the CSCI 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

35.—(1) The registered person shall give notice in writing to the CSCI 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 provides or manages the scheme;
- (b) a person ceases to provide or manage the scheme;
- (c) where a registered person is an individual, he changes his name;
- (d) the name or address of the principal office of the scheme is changed;
- (e) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (f) 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 any change of responsible individual;

- (g) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (h) where the registered provider is a company or partnership, a receiver, manager, liquidator, or provisional liquidator is appointed; or
- (i) additional premises are acquired for the purposes of the scheme.

Appointment of liquidators etc.

- 36.**—(1) Any person to whom paragraph (2) applies shall—
- (a) forthwith notify the CSCI of his appointment indicating the reasons for it;
 - (b) appoint a manager to take full-time day to day charge of the scheme in any case where there is no registered manager; and
 - (c) within 28 days of appointment, notify the CSCI of his intentions regarding the future operation of the scheme.
- (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 scheme;
 - (b) the liquidator or provisional liquidator of a company which is the registered provider of a scheme; or
 - (c) the trustee in bankruptcy of a registered provider of a scheme.

Death of registered person

- 37.**—(1) If more than one person is registered in respect of a scheme, and a registered person dies, the surviving registered person shall without delay notify the CSCI of the death in writing.
- (2) If only one person is registered in respect of a scheme, and he dies, his personal representatives must notify the CSCI in writing—
- (a) without delay, of the death; and
 - (b) within 28 days of their intentions regarding the future provision of the scheme.
- (3) The personal representatives of the deceased registered provider may provide the scheme 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 CSCI may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the CSCI 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 scheme during any period in which, in accordance with paragraph (3), they provide the scheme without being registered in respect of it.