



Isle of Man

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**REGULATION OF CARE (REGISTRATION)
REGULATIONS 2013**



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Statutory Document No. 2013/0337

*Regulation of Care Act 2013*

REGULATION OF CARE (REGISTRATION) REGULATIONS 2013¹

Laid before Tynwald: 15 October 2013
Coming into Operation: 17 October 2013

The Department of Social Care makes the following Regulations under sections 57, 67(1)(a), 75(c), 82(b), 107(2) and 161 of the Regulation of Care Act 2013.

PART 1 – INTRODUCTION

1 Title

These Regulations are the Regulation of Care (Registration) Regulations 2013.

2 Commencement

These Regulations come into operation on 17 October 2013.

3 Interpretation

(1) In these Regulations –

“**the Act**” means the Regulation of Care Act 2013;

“**adult care home**” has the meaning given in section 16;

“**amendment application**” has the meaning given in section 74(1);

“**applicant**” means a person making a registration application under section 57.

“**care service**” means –

(a) an agency which section 7 provides is a care service; or

(b) an establishment which section 8 provides is a care service;

“**child**” has the meaning given in the Schedule to the Act;

“**child (secure accommodation) establishment**” has the meaning given in section 23;

“**childrens home**” has the meaning given in section 22(1);

- “**designated agency**” has the meaning given in section 7(1).
- “**DSC**” means the Department of Social Care;
- “**inspector**” has the meaning given in section 111(3).
- “**manager registration**” has the meaning given in section 39(1).
- “**nominee**” means the individual proposed to be the care service’s responsible person under section 57(2)(a) in relation to an application for provider registration.
- “**notice of surrender application**” means a notice by the registered provider stating that the registered provider has made, or intends to make, a surrender application.
- “**offender accommodation service**” has the meaning given in section 30(1).
- “**proposed effective date of surrender**” means the date requested by the registered provider as the date on which the surrender application is to take effect.
- “**provider registration**” has the meaning given in section 38(1).
- “**qualified medical practitioner**” has the meaning given in section 8 of the *Medical Act 1985*¹
- “**registered manager**” has the meaning given in section 39(2).
- “**responsible person**” has the meaning given in section 62(2).
- “**responsible person change**” has the meaning given in section 66(2)(b)(ii);
- “**service recipient**” has the meaning given in section 120(d)(ii).
- “**statement of purpose**” means the written statement containing the information specified in Schedule 3.
- “**surrender application**” has the meaning given in section 80(a).
- “**urgent cancellation**” has the meaning given in section 89(1)(c).
- (2) In these Regulations a reference to a numbered section is to the section of the Act bearing that number.

PART 2 – REGISTRATION APPLICATIONS

4 Registration applications: prescribed information

- (1) Schedules 1 and 2 prescribe the matters in respect of what information is required, and the information to be provided for provider and manager registration.
- (2) Schedule 1 specifies the information which must be given if the application is for provider registration.

¹ 1985

- (3) Schedule 2 specifies the information which must be given if the application is for manager registration.

5 Applications for provider registration: prescribed documents and information

- (1) Schedule 3 and 4 prescribe the documents which must be included or accompany a registration application.
- (2) Schedule 3 specifies the documents which must be included or accompany an application for provider registration.
- (3) Schedule 4 specifies the documents which must be included or accompany an application for manager registration.

PART 3 – REGISTER ABOUT REGISTERED PERSONS AND RESPONSIBLE PERSONS FOR CARE SERVICES

6 Contents of register

The register must include the information prescribed in Schedule 7.

PART 4 – AMENDMENT OF REGISTRATION

7 Amendment applications: prescribed information

An amendment application must contain –

- (a) the name, address and contact details of the care service which is the subject of the amendment application;
- (b) the name, address and contact details of the registered person of the care service which is the subject of the amendment application;
- (c) details of the amendment sought.

PART 5 – SURRENDER OF REGISTRATION BY REGISTERED PROVIDERS OTHER THAN CHILDMINDERS

8 Surrender application: prescribed information

A surrender application must contain –

- (a) the name, address and contact details of the care service whose provider registration is being surrendered;
- (b) the name, address and contact details of the registered provider.

9 Conditions

- (1) A surrender application must be —
 - (a) sent or delivered to DSC —
 - (i) not less than 3 months before the proposed effective date of surrender; or
 - (ii) within such shorter period (if any) before that date as may be agreed with DSC; and
 - (b) accompanied by the information specified in paragraph (4).
- (2) The registered provider must give notice of any surrender application to each of the persons specified in paragraph (3) within 7 days of making the application, excluding any person to whom the provider gave such notice in the 3 months before making the application.
- (3) Those persons are —
 - (a) current service recipients; and
 - (b) persons who appear to the registered provider to be representatives of service recipients.

But a person mentioned in this paragraph need not be given notice if it is impracticable to do so.

- (4) That information is —
 - (a) the proposed effective date of surrender;
 - (b) a statement as to the arrangements (if any) that have been made by the registered provider to ensure that on and after, —
 - (i) the date of surrender application; and
 - (ii) the proposed effective date of surrender,service recipients will continue to be provided with similar accommodation (if any) and services as those provided to them in the establishment or by the agency at the date on which the surrender application is made;
 - (c) the registered provider's reasons for making the surrender application;
 - (d) particulars of any notice of surrender application given to any person referred to in paragraph (3);
 - (e) if the registered provider has not given notice of the surrender application to —
 - (i) each service recipient; and
 - (ii) a person who appears to the registered provider to be a representative of each service recipient;a statement as to whether there were any circumstances which prevented the registered person from giving (or made it impracticable for them to give) notice of surrender application to

- any of those persons before the date on which the provider made the surrender application;
- (f) if the registered provider has made a surrender application less than 3 months before the proposed effective date of surrender, a report as to whether —
- (i) the establishment or agency has ceased to be financially viable; or
- (ii) is likely to cease to be financially viable within the next following twelve months.
- (5) The registered provider must provide DSC with any other information or documents that DSC may reasonably require in relation to the provider's surrender application.

PART 6 – FEES

10 Registration application fees

Schedule 5 sets out the prescribed fees for which a registration application must be accompanied by for the purposes of section 57(1)(e).

11 Amendment application fees

Schedule 6 sets out the prescribed fees which an amendment application must be accompanied by for the purposes of section 75(1)(d).

PART 7 – EXCEPTION FROM SUPERVISION AND MANAGEMENT CONDITIONS

12 Exception from supervision and management conditions: maximum prescribed leave

The maximum leave prescribed for the purposes of section 67(1)(a) (exception from supervision and management conditions) is 3 months.

MADE 15 OCTOBER 2013

SCHEDULE 1**INFORMATION WHICH AN APPLICATION FOR PROVIDER REGISTRATION
MUST GIVE****PART I – INFORMATION ABOUT THE APPLICANT**

1. If the applicant is an individual –
 - (a) the applicant's full name, date of birth, address, telephone number and electronic address;
 - (b) details of the applicant's professional or technical qualifications and experience relevant to the care service for which registration is sought;
 - (c) details of the applicant's employment history, including the name and address of the applicant's present employer and of any previous employers;
 - (d) details of any disciplinary proceedings relating to the care of children or adults that the applicant is currently subject to;
 - (e) the names and contact details of two referees;
 - (f) details of any conviction by a criminal court, (whether in the Island or elsewhere) of any offence committed by the applicant, other than a traffic offence;
 - (g) details of any investigations and/or proceedings relating to the care of children or adults under any Act of Tynwald, or any other British Islands legislation that the applicant is currently subject to; and
 - (h) the name and address of any other care service which the applicant has, or has had, a business interest and the details of that interest.

2. If the applicant is a body corporate –
 - (a) the name of the body corporate and the address of the registered office or principal office of the body corporate and the current telephone number and electronic address of the body corporate;
 - (b) the full name, date of birth and current address, telephone number and electronic address of –
 - (i) the individual proposed to be the body corporate's responsible person; and
 - (ii) the directors of the body corporate;
 - (c) details of the individual proposed to be the body corporate's responsible person's professional or technical qualifications and experience relevant to the care service for which registration is sought;

- (d) details of the individual proposed to be the body corporate's responsible person's employment history, including the name and address of the applicant's present employer and of any previous employers;
- (e) details of any disciplinary proceedings relating to the care of children or adults that the individual proposed to be the body corporate's responsible person is currently subject to;
- (f) the names and contact details of two referees for the individual proposed to be the body corporate's responsible person;
- (g) details of any conviction by a criminal court (whether in the Island or elsewhere) of any offence (other than a traffic offence) committed by —
 - (i) the individual proposed to be the body corporate's responsible person; and
 - (ii) the directors of the body corporate;
- (h) details of any investigations and/or proceedings relating to the care of children or adults under any Act of Tynwald, or any other British Islands legislation currently being undertaken against —
 - (i) the individual proposed to be the body corporate's responsible person; and
 - (ii) the directors of the body corporate;
- (i) the name and address of any other care service which the individual proposed to be the body corporate's responsible person has, or has had, a business interest and the details of that interest.

3. If the applicant is a partnership —

- (a) the name and address of the partnership; and
- (b) in relation to each partner, the information specified in paragraph 1(a) to (h).

PART II — INFORMATION ABOUT THE ESTABLISHMENT OR AGENCY

4. Details of the category and if applicable the sub-category of care service for which registration is sought.

5. Whether any other businesses is or will be carried out in the same premises as the care service.

6. The number and age range of service recipients for whom the care service is proposed to be provided (other than where the care service is an independent clinic).

7. If the application is for childminder registration —

- (a) the full name of any person who assists in looking after any such child; and
- (b) the full name (s) of any person who lives or is likely at any time to be living at premises where the registered person looks after children.

SCHEDULE 2**INFORMATION WHICH AN APPLICATION FOR MANAGER REGISTRATION
MUST GIVE**

1. The applicant's full name, date of birth, current address, telephone number and e-mail address (if any).
2. Name, address, telephone number and e-mail address (if any) of the establishment or agency.
3. Details of professional or technical qualifications and experience relevant to the care service for which registration is required.
4. Details of the applicant's employment history, including the name and address of the applicant's present employer and of any previous employers.
5. Details of any disciplinary proceedings relating to the care of children or adults that the applicant is currently subject to.
6. Details of any business the applicant carries on or manages or has carried on or managed.
7. The name and addresses of two referees —
 - (a) who are not relatives of the applicant;
 - (b) each of whom is able to provide a reference as to the applicant's competence to carry on an establishment or agency of the same description as the establishment or agency; and
 - (c) one of whom has employed the applicant for a period of at least 6 months,

Sub-paragraph (c) does not apply if either —

- (i) the application is for childminder registration; or
 - (ii) it is impracticable to obtain a reference from a person who fulfils that requirement.
8. Details of any conviction by a criminal court (whether in the Island or elsewhere) of any offence, other than a traffic offence, committed by the applicant.
 9. Details of any investigations and/or proceedings relating to the care of children or adults under any Act of Tynwald, or any other British Islands legislation, that the applicant is currently subject to.

SCHEDULE 3**DOCUMENTS WHICH MUST ACCOMPANY OR BE INCLUDED WITH AN APPLICATION FOR PROVIDER REGISTRATION****PART I – DOCUMENTS ABOUT AN APPLICANT**

1. If the applicant is an individual or partnership –
 - (a) certificates or other suitable evidence relating to the applicant's professional or technical qualifications, so far as those qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency (to be provided in person by the applicant);
 - (b) Disclosure and Barring Service (DBS) form and fee (to be provided in person by the applicant);
 - (c) criminal conviction certificate (to be provided in person by the applicant);
 - (d) a report by a qualified medical practitioner on the mental and physical health of the applicant;
 - (e) the signed consent form allowing DSC to obtain a reference from the applicant's bank expressing an opinion as to the applicant's financial standing;
 - (f) a certificate of insurance for the applicant in respect of liability which may be incurred by the applicant in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.

2. If the applicant is a body corporate –
 - (a) certificates or other suitable evidence relating to the individual proposed to be the body corporate's responsible person's professional or technical qualifications, so far as those qualifications are relevant to providing services for persons for whom services are to be provided at the care service (to be provided in person by the individual proposed to be the body corporate's responsible person);
 - (b) Disclosure and Barring Service (DBS) form and fee (to be provided in person by the individual proposed to be the body corporate's responsible person);
 - (c) a criminal conviction certificate for the individual proposed to be the body corporate's responsible person (to be provided in person by the individual proposed to be the body corporate's responsible person);

- (d) a report by a registered medical practitioner on the mental and physical health of the individual proposed to be the body corporate's responsible person's;
- (e) The signed consent form allowing DSC to obtain a reference from the body corporate's bank expressing an opinion as to the body corporate's financial standing;
- (f) A certificate of insurance for the body corporate in respect of liability which may be incurred by the body corporate in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.

3. If the application is for childminder registration for any person over 16 who lives, or is likely at any time to be living, on any premises on which the applicant is, or is likely to be, child minding –

- (a) Disclosure and Barring Service (DBS) form and fee (to be provided in person); and
- (b) a criminal conviction certificate (to be provided in person).

PART II – DOCUMENTS ABOUT AN ESTABLISHMENT OR AGENCY

4. For all applicants –

- (a) a record of the policies and procedures for the care service;
- (b) a business plan for the care service;
- (c) a copy of the last two annual reports and accounts of the care service (if any);
- (d) an organisational chart for the staff employed by the care service.

5. For an establishment –

- (a) a site plan of the interior and exterior of the property;
- (b) evidence confirming compliance with the regulations on water supply and water fittings relating to safe storage and outlet temperatures to prevent *legionellosis* and scalding;
- (c) an electrical inspection certificate showing the premises comply with the current electricity at work regulations and wiring regulations;
- (d) certificate or report that shows compliance with current gas safety regulations;
- (e) a report that shows compliance with current food hygiene regulations;
- (f) a fire risk assessment and where applicable, a report on any recommendations issued by the relevant fire authority;
- (g) where applicable, a copy of the lease of the premises of the care service;

- (h) where applicable, a certificate of lift safety;
- (i) the statement of purpose of the care service.

6. The statement of purpose under paragraph 5(i) must include the following information –

- (a) the organisational structure of the care service;
- (b) whether the service requires a manager to be registered;
- (c) the relevant qualifications and experience of the registered provider and any registered manager;
- (d) the number, relevant qualifications and experience of the staff working at the care service;
- (e) the age range of service recipients that the care services intends to meet;
- (f) the range of needs that the care service intends to meet;
- (g) whether nursing is to be provided;
- (h) any criteria used for admission to the care service;
- (i) for residential care services, the numbers and sizes of the rooms in the home;
- (j) for residential care services, the arrangements made for service recipients to engage in social activities, hobbies or interests;
- (k) the arrangements made for consultation with service recipients and/ or their representative about the quality of the care service;
- (l) the fire precautions and the associated emergency procedures at the care service;
- (m) the arrangements made for dealing with complaints about the service, including those made by staff members about quality of care and service recipient welfare issues;
- (n) the procedures for the protection and safeguarding of children and vulnerable adults as appropriate;
- (o) details of the arrangements for the storage and administration of medicines at the care service;
- (p) details of the arrangements for meeting the service recipients' health needs;
- (q) the arrangements for setting out a service recipient's plan of care and how that plan is reviewed;
- (r) details of any specific therapeutic techniques used at the care service and arrangements made for their supervision;
- (s) the arrangements made for service recipients to engage in their chosen faith;
- (t) details of how the care service intends to respect privacy, dignity and promote independence and choice and, if these values are

restricted either through judicial process or the service user's best interests, the arrangements in place to monitor and review such restrictions.

7. But the requirements in paragraphs 4, 5(a) to (d) and 6 (a), (b), (f), (g), (h) and (q) to (t) do not apply if the application is for childminder registration.

SCHEDULE 4**DOCUMENTS WHICH MUST ACCOMPANY OR BE INCLUDED WITH AN APPLICATION FOR MANAGER REGISTRATION**

1. The following must accompany or be included with an application for manager registration —
 - (a) certificates or other suitable evidence relating to the applicant's professional or technical qualifications so far as those qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency (to be provided in person by the applicant);
 - (b) a completed Disclosure and Barring Service (DBS) form with the appropriate fee;
 - (c) a criminal conviction certificate (to be provided in person by the applicant);
 - (d) a report by a qualified medical practitioner on the mental and physical health of the applicant.
2. The items in paragraph 1(a) to (c) must be provided in person by the applicant.

SCHEDULE 5

REGISTRATION APPLICATION FEES

1 Childminder registration

The prescribed fee for childminder registration is £80.²

2 Provider registration for agency or independent clinic which is a care service

The prescribed fee for provider registration in respect of a designated agency or an independent clinic is shown in Table 1.

Table 1³

Care service description	Fee
fewer than 3 persons are employed on a full-time basis	£1,060
3 or more but fewer than 16 persons are employed on a full-time basis	£1,165
Any other agency or independent clinic	£1,270

3 Provider registration for establishment which is a care service

- (1) The prescribed fee for provider registration in respect of an adult day centre, a child day care centre or a mental health day centre is shown in Table 2.

Table 2⁴

Care service description	Fee
operating less than 60 days per year	£105
fewer than 10 approved places	£315
10 or more but fewer than 21 approved places	£370
Any other adult day centre, child day care centre or mental health day centre	£425

- (2) The prescribed fee for provider registration in respect of an adult care home, a childrens home, a child (secure accommodation) establishment, an independent hospital, an offender accommodation service or a residential family centre is shown in Table 3.

Table 3⁵

Care service description	Fee
fewer than 20 approved places	£1,480
20 or more but fewer than 41 approved places	£1,690

any other adult care home, children's home, child (secure accommodation) establishment, independent hospital, offender accommodation service or residential family centre	£1,905
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4 Manager registration for agency which is a care service

The fee for manager registration in respect of designated agency is £425.⁶

5 Manager registration for establishment which is a care service

The fee for provider registration in respect of an establishment specified in section 8 of the Act is £425.⁷

SCHEDULE 6

AMENDMENT APPLICATION FEES

1 Childminder registration

The prescribed fee for childminder registration is —

- (a) in respect of a minor amendment, £30;⁸
- (b) in respect of another amendment, £80.⁹

2 Agency or independent clinic which is a care service

The prescribed fee in respect of an agency or independent clinic which is a care service is —

- (a) in respect of a minor amendment, £55;¹⁰
- (b) in respect of another amendment, £105.¹¹

3 Establishment which is a care service

The prescribed fee in respect of an establishment which is a care service is —

- (a) in the case of an adult day centre, a child day care centre or mental health day centre —
 - (i) in respect of a minor amendment, £55;¹²
 - (ii) in respect of another amendment, £105.¹³
- (b) in the case of an adult care home, a childrens home, a child (secure accommodation) establishment, an independent hospital, an offender accommodation service or a residential family centre —
 - (i) in respect of a minor amendment, £105;¹⁴
 - (ii) in respect of another amendment, £690.^{15 16}

4 Interpretation¹⁷

In this Schedule —

“**minor amendment**” is an amendment which, in the opinion of DSC, if the application for the amendment sought were granted would involve no material alteration in the register kept under section 107; and

“**major amendment**” is another amendment.¹⁸

SCHEDULE 7**REGISTER ABOUT REGISTERED PERSONS AND RESPONSIBLE PERSONS FOR CARE SERVICES**

1. The register must include —

- (a) the full name, address and date of registration of the registered provider of each care service;
- (b) the full name, address and date of registration of the registered manager of each care service.
- (c) if the registered provider is a body corporate, the full name and address of the care service's responsible person;
- (d) the date and details of any improvement notice given to the care service's registered provider;
- (e) the date and details of any compliance notice given to the care service's registered provider;
- (f) the date of any surrender of the provider's registration in relation to the care service;
- (g) the date of any suspension of the registration of the care service's registered provider or registered manager;
- (h) the date of any cancellation of the registration of the care service's registered provider or registered manager.

2. The register shall also include —

- (a) the name, address and contact details of the care service;
- (b) the category and purpose of the care service;
- (c) the sub-category of provision of the care service;
- (d) the details of any decided conditions imposed on registration under section 60.

ENDNOTES**Table of Endnote References**

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Para 1 substituted by SD2024/0074.

³ Table 1 substituted by SD2024/0074.

⁴ Table 2 substituted by SD2024/0074.

⁵ Table 3 substituted by SD2024/0074.

⁶ Para 4 amended by SD2024/0074.

⁷ Para 5 amended by SD2024/0074.

⁸ Subpara (a) amended by SD2024/0074.

⁹ Subpara (b) amended by SD2024/0074.

¹⁰ Subpara (a) amended by SD2024/0074.

¹¹ Subpara (b) amended by SD2024/0074.

¹² Para (i) amended by SD2024/0074.

¹³ Para (ii) amended by SD2024/0074.

¹⁴ Para (i) amended by SD2024/0074.

¹⁵ Para (ii) amended by SD2024/0074.

¹⁶ Text numbering removed by SD2024/0074.

¹⁷ Para 4 heading inserted by SD2024/0074.

¹⁸ Para 4 text relocated from para 3 by SD2024/0074.