

STATES OF JERSEY



Jersey

DRAFT REGULATION OF CARE (AMENDMENT OF LAW) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 20th March 2020
by the Chief Minister**

STATES GREFFE

REPORT

1. Introduction

- 1.1 This is emergency draft legislation, drafted in response to the Covid-19 pandemic which is currently affecting Jersey and most of the globe.
- 1.2 The Draft Regulation of Care (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- (the “draft Regulations”) would amend Schedule 1 of the [Regulation of Care \(Jersey\) Law 2014](#) (“the 2014 Law”), which defines those activities which are regulated under the Law – home care, adult day care and care home services. These amendments would exempt care home and adult day care facilities which are established after the outbreak of Covid-19 from the requirement to register with the Jersey Care Commission (JCC) and to be regulated under the 2014 Law.
- 1.3 The draft Regulations propose temporary measures which will expire on 30th September 2020.

2. Legislation

- 2.1 The 2014 Law provides a legislative framework for the independent regulation of health and social care in Jersey. It is underpinned by a series of Regulations, covering each regulated activity listed under the Law. The 2014 Law established the independent Jersey Care Commission. The [Regulation of Care \(Standards and Requirements\) \(Jersey\) Regulations 2018](#) provide for the regulation of home care, adult day care and care home services, including children’s residential homes, and were adopted by the States Assembly in October 2018 and came into force on 1st January 2019.
- 2.2 It anticipated that, as the outbreak of Covid-19 progresses, there may be a need to set up additional beds for vulnerable individuals. This could include, if necessary, the use of hotels or other lodgings to provide this accommodation. It is anticipated that some of these places will be used for the purposes of providing accommodation alongside care provision. Ordinarily, these services would be care home services, as defined under Schedule 1 of the 2014 Law, and providers of such temporary, emergency accommodation and care arrangements would have to register with and be regulated by the JCC.
- 2.3 For reasons of practicality, however, it is necessary to exempt such services – which, it is envisaged, will be established by the Government in haste, to meet demand for accommodation and care caused by the outbreak of Covid-19 – because the requirement for such services to register and be regulated would inhibit the speed with which they can be set up. In such a scenario, it would not be acceptable to slow down the rate at which key services can respond to the outbreak of Covid-19 unduly, particularly as these arrangements are likely to be short-term.
- 2.4 The draft Regulations would also exempt any new adult day care service which is established and provided as a direct or indirect result of Covid-19. The exemption has been extended to this service in case current adult day care arrangements are insufficient to meet the demand caused by Covid-19.

2.5 It should be noted that the draft Regulations do not permit existing care home and adult day care providers to de-register. These providers must remain registered. However, if Covid-19 prevents providers from maintaining requisite regulatory standards in certain key functions, the JCC would be able to provide them with a degree of additional flexibility under the [Draft Regulation of Care \(Standards and Requirements\) \(Covid-19 – Temporary Amendments\) \(Jersey\) Regulations 202-](#).

3. Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

These Regulations, if passed, would make temporary changes to Schedule 1 to the Regulation of Care (Jersey) Law 2014, which describes what are “regulated activities” to be regulated under the Law. The changes are as a consequence of the outbreak of Covid-19 in Jersey.

Paragraph 1 of that Schedule names a “care home service” as a regulated activity. These Regulations insert as paragraph 1(2A) an exception for care home services that were not regulated activities before these Regulations commence and are provided as a direct or indirect result of the outbreak of Covid-19 in Jersey (*Regulation 1(2)*).

Paragraph 3 of the Schedule names an “adult day care service” as a regulated activity. These Regulations insert as paragraph 3(3) an exception for adult day care services that were not regulated activities before these Regulations commence and are provided as a direct or indirect result of the outbreak of Covid-19 in Jersey (*Regulation 1(3)*).

Regulation 1(4) inserts a new paragraph 3A that provides for the expiry of paragraphs 1(2A) and 3(3) on 30th September 2020.

Regulation 2 states how the Regulations may be cited and provides for them to come into force on the day after they are made.



Jersey

DRAFT REGULATION OF CARE (AMENDMENT OF LAW) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 2 of the Regulation of Care (Jersey) Law 2014¹ –

1 Schedule 1 to Law amended

- (1) Schedule 1 to the Regulation of Care (Jersey) Law 2014² is amended in accordance with this Regulation.
- (2) After paragraph 1(2) there is inserted –
“(2A) However, a care home service is not a regulated activity if –
 - (a) it was not a regulated activity before the commencement of the Regulation of Care (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202-³; and
 - (b) it is provided as a direct or indirect result of the outbreak of Covid-19 in Jersey.”.
- (3) After paragraph 3(2) there is inserted –
“(3) However, an adult day care service is not a regulated activity if –
 - (a) it was not a regulated activity before the commencement of the Regulation of Care (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202-; and
 - (b) it is provided as a direct or indirect result of the outbreak of Covid-19 in Jersey.”.
- (4) After paragraph 3 there is inserted –

“3A Expiry of provisions

Paragraphs 1(2A) and 3(3) expire on 30th September 2020.”.

2 Citation and commencement

These Regulations may be cited as the Regulation of Care (Amendment of Law) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- and come into force on the day after the day they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 20.820</i>
<i>2</i>	<i>chapter 20.820</i>
<i>3</i>	<i>P.27/2020</i>