



Jersey

**RESIDENTIAL HOMES (GENERAL  
PROVISIONS) (JERSEY) ORDER 1995**

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Jersey

## RESIDENTIAL HOMES (GENERAL PROVISIONS) (JERSEY) ORDER 1995

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Jersey

## **RESIDENTIAL HOMES (GENERAL PROVISIONS) (JERSEY) ORDER 1995<sup>1</sup>**

**THE HEALTH AND SOCIAL SERVICES COMMITTEE** in pursuance of Articles 3, 4, 14 and 15 of the Nursing and Residential Homes (Jersey) Law 1994,<sup>2</sup> orders as follows—

Commencement [[see endnotes](#)]

### **1 Interpretation**

In this Order, unless the context otherwise requires –

“child” means a resident under the age of 20 years;

“fire authority” means the States of Jersey Fire and Rescue Service;

“home” means a residential care home;

“Law” means the Nursing and Residential Homes (Jersey) Law 1994;<sup>3</sup>

“mental handicap” means a state of arrested or incomplete development of mind which includes impairment of intelligence and social functioning;

“person registered” means any person registered in respect of the home;

“resident” means any person in the home who is in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

### **2 Application for registration**

- (1) An application for registration under Article 4 of the Law shall be –
  - (a) in the form set out in Part 1 of Schedule 1; and
  - (b) accompanied by the information mentioned in Part 2 of that Schedule.

- (2) An applicant for registration shall, if the Minister so requires, supply to the Minister such documentary evidence as is specified by the Minister as being necessary to substantiate the information.

### **3 Registration fee**

The registration fee to accompany an application for registration under Article 4 of the Law shall be –

- (a) in the case of an application in respect of the person who is or is intended to be in charge of the premises who is not the person carrying on the home £63.50
- (b) in the case of an application in respect of the person carrying on the home £149.75.<sup>4</sup>

### **4 Annual fee**

- (1) Subject to paragraph (3) a person registered in respect of a home as being the person carrying on the home shall pay an annual fee of £76.50.<sup>5</sup>
- (2) The annual fee shall be paid within one month of the date on which the certificate of registration is issued and thereafter not later than 31st January in each year.<sup>6</sup>
- (3) Where a certificate of registration is issued on or after 1st July in any year the annual fee for that year shall be one half of that prescribed in paragraph (1).

### **5 Replacement of certificate of registration**

Where the person registered satisfies the Minister that his or her certificate of registration has been accidentally lost, destroyed or defaced, the Minister may upon payment of a fee of £20 issue a new certificate in place thereof.

### **6 Records**

- (1) The person registered shall compile the records specified in Schedule 2 and shall keep them in the home at all times available for inspection by any person authorized in that behalf by the Minister.
- (2) The person registered shall keep in a safe place in the home the case record of each resident compiled in accordance with paragraph 4 or 5 of Schedule 2.
- (3) A person to whom paragraph 2(1) of the Schedule to the Law applies shall, within 3 months of his or her registration under sub-paragraph (3) of that paragraph of that Schedule, compile the records specified in Schedule 2 to this Order.
- (4) Every record compiled in accordance with this Article shall be retained for a minimum of 3 years from the date of the last entry in it.

**7 Registers**

- (1) The registers kept by the Minister for the purposes of the Law shall contain the particulars specified in Schedule 3.
- (2) The fee for copying an entry in a register kept by the Minister shall be £5 per page.

**8 Consultation with fire authority**

The person registered shall, at such times as may be agreed with the fire authority, consult that authority on fire precautions in the home.

**9 Conduct of homes**

- (1) The person registered shall arrange for the home to be conducted so as to make proper provision for the welfare, care and, where appropriate, treatment and supervision of all residents.
- (2) In reaching any decision relating to a resident the person registered shall give first consideration to the need to safeguard and promote the welfare of the resident and shall, so far as practicable, ascertain the wishes and feelings of the resident and give due consideration to them as is reasonable having regard to the resident's age and understanding.
- (3) Every home shall be maintained on the basis of good personal and professional relationships between the person registered and persons employed at the home and the residents.
- (4) The person registered shall ensure that corporal punishment is not used as a sanction in relation to any child in the home.

**10 Provision of facilities and services**

- (1) The person registered shall having regard to the size of the home and the number, age, sex and condition of residents –
  - (a) employ by day and, where necessary, by night suitably qualified and competent staff in numbers which are adequate for the well being of residents;
  - (b) provide for each resident such accommodation and space by day and by night as is reasonable;
  - (c) provide adequate and suitable furniture, bedding, curtains, floor covering and, where necessary, equipment and screens in rooms occupied or used by residents;
  - (d) provide for the use of residents a sufficient number of water closets, and of wash-basins, baths and showers fitted with a hot and cold water supply, and any necessary sluicing facilities;
  - (e) make such adaptations and provide such facilities as are necessary for residents who are physically handicapped;
  - (f) provide adequate light, heating and ventilation in all parts of the home occupied or used by residents;

- (g) keep all parts of the home occupied or used by residents in good structural repair, clean and reasonably decorated;
  - (h) take adequate precautions against the risk of fire, including the provision of adequate means of escape in the event of fire, and make adequate arrangements for detecting, containing and extinguishing fires, for the giving of warnings and for the evacuation of all persons in the home in the event of fire and for the maintenance of fire precautions and fire fighting equipment;
  - (i) make arrangements to secure by means of fire drills and practices that the staff in the home and, so far as practicable, residents know the procedure to be followed in the case of fire including the procedure for saving life;
  - (j) take adequate precautions against the risk of accidents including the training of staff in first aid;
  - (k) provide sufficient and suitable kitchen equipment, crockery and cutlery together with adequate facilities for the preparation and storage of food and, so far as may be reasonable and practicable in the circumstances, adequate facilities for residents to prepare their own food and refreshments;
  - (l) supply suitable, varied and properly prepared wholesome and nutritious food in adequate quantities for residents;
  - (m) make suitable arrangements for maintaining satisfactory conditions of hygiene in the home;
  - (n) arrange for regular laundering of linen and clothing and, so far as may be reasonable and practicable in the circumstances, provide adequate facilities for residents to do their own laundering;
  - (o) make arrangements for any person authorized by the Minister to interview in private any resident;
  - (p) make arrangements, where necessary, for residents to receive medical and dental services;
  - (q) make suitable arrangements for the recording, safekeeping, handling and disposal of drugs;
  - (r) make suitable arrangements for the training, occupation and recreation of residents including the provision of play and educational facilities for children; and
  - (s) provide a place where the valuables of residents may be deposited for safekeeping.
- (2) The person registered shall arrange for the home to be connected to a public telephone service and shall, so far as may be reasonable and practicable in the circumstances, make arrangements for residents to communicate with others in private by post or telephone.

## **11 Visits by parents, guardians, etc.**

- (1) The person registered shall provide suitable facilities for visits to the home by parents, guardians, friends or other visitors of any resident and by any person whose duty it is to supervise the welfare of that resident, but the use of such facilities, times of visiting and other arrangements



connected with the visits shall be as the person registered may, after consultation with the Minister, decide.

- (2) The person registered shall ensure that there are facilities in the home whereby residents may, if they so desire, communicate in private with their visitors.
- (3) The person registered shall keep affixed in a conspicuous place in the home a notice stating the times during which visits may be made and he or she shall, at the request of any person wishing to visit a resident, make available to that person details of such times.

## **12 Religious observance**

The person registered shall ensure that every child has so far as practicable in the circumstances the opportunity to attend such religious services and to receive such instruction as may be appropriate to the religious persuasion to which the resident belongs.

## **13 Notification of arrival of children**

The person registered shall as soon as practicable notify the Minister of the date of arrival of each child in the home and the expected duration of his or her stay.

## **14 Notification of death, illness or accident**

The person registered shall notify the Minister not later than 24 hours from the time of its occurrence –

- (a) of the death of any resident and of the circumstances of his or her death;
- (b) of the outbreak in the 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, or of any serious injury to or serious illness of any person residing in the home;
- (c) of any unexplained absence of a child from the home;
- (d) of any event in the home which affects the well-being of any resident;  
and
- (e) of any theft, burglary, fire or accident in the home.

## **15 Notice of absence**

- (1) Subject to paragraph (5), where the person carrying on the home or, as the case may be, the person in charge of it proposes to be absent from the home for a period of 4 weeks or more the person carrying on the home shall give notice in writing to the Minister 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 proposed absence or within such shorter period as may be agreed with the Minister and the notice shall specify –

- (a) the length or expected length of the proposed absence;
  - (b) the reason for that absence;
  - (c) the arrangements which have been made for the running of the home during that absence; and
  - (d) the name, address and qualifications of the person who will be responsible for the home during that absence.
- (3) Where the absence arises as a result of an emergency, the person carrying on the home shall give notice of the absence within one week of its occurrence and the notice shall specify the matters referred to in paragraph (2)(a) to (d).
- (4) The person carrying on the home shall notify the Minister in writing of his or her return or, as the case may be, the return of the person in charge of the home within one week of that return.
- (5) The provisions of this Article shall not apply where it is not proposed to accommodate any resident in the home during the absence of the person carrying on or, as the case may be, in charge of the home.

#### **16 Notice of termination of accommodation**

- (1) The person registered shall, before terminating any arrangements for the accommodation of a child give reasonable notice of his or her intention to terminate those arrangements to –
- (a) his or her parent or guardian;
  - (b) if the child is under the Children (Jersey) Law 1969, in the care of a fit person or of the Minister for Education, Sport and Culture, that person or that Minister as the case may be;
  - (c) the Minister for Health and Social Services.
- (2) Where arrangements for the accommodation of a resident are terminated the person registered shall notify –
- (a) the person who appears to him or her to be the resident's next of kin; and
  - (b) the Minister.

#### **17 Information for residents as to methods of making complaints**

The person registered shall inform every resident in writing of the person to whom and the manner in which any request or complaint relating to the home may be made and the person registered shall ensure that any complaint so made by a resident or a person acting on his or her behalf is fully investigated.

#### **18 Inspection of homes**

The Minister shall ensure that any home is inspected pursuant to Article 19 of the Law not less than twice in every period of 12 months.

**19 Visits by person carrying on the home**

- (1) Where the person carrying on the home is not also the person in charge of the home he or she shall at least once in every month visit the home or arrange for another person to visit the home on his or her behalf and to report in writing to him or her on the conduct of the home.
- (2) Where the person carrying on the home is a company, society, association or other body or firm, the directors or other persons responsible for the management of the body or the partners of the firm shall arrange for one or more of their number to visit the home at least once in every month and to report in writing to them on the conduct of the home.

**20 Offences**

- (1) Subject to paragraph (3), where the Minister consider that the person registered has contravened or failed to comply with Article 6, 10, 11, 13, 14, 15, 16 or 19 the Minister may serve a notice on the person registered specifying –
  - (a) in what respect in its opinion the person registered has failed or is failing to comply with the requirements of that Article;
  - (b) what action, in the opinion of the Minister, the person registered should take so as to comply with that Article; and
  - (c) the period, not exceeding 3 months, within which the person registered should take action.
- (2) Where notice has been given in accordance with paragraph (1) and the period specified in the notice, beginning with the date of the notice, has expired, the person registered who contravenes or fails to comply with any provision of this Order mentioned in the notice shall be guilty of an offence against this Order and shall be liable to a fine not exceeding level 4 on the standard scale.<sup>7</sup>
- (3) The provisions of this Article shall not apply where the Minister has applied for a provisional order under Article 11 of the Law or while such an order is in force.

**21 Form and service of notices**

Any notice which is required under this Order to be given to any person shall be in writing and may be served on him or her by delivering it personally to him or her or by post and shall be deemed to be properly addressed to him or her if it is addressed to him or her at the home.

**22 Compliance with Order**

Where there is more than one person registered in respect of a home, anything which is required under the foregoing provisions of this Order to be done by the person registered in respect of the home shall, if done by one of the persons so registered, not be required to be done by any other person registered in respect of the home.

**23 Citation**

This Order may be cited as the Residential Homes (General Provisions) (Jersey) Order 1995.

**SCHEDULE 1**

(Article 2(1)(a))

**PART 1**

NURSING AND RESIDENTIAL HOMES (JERSEY) LAW 1994

**APPLICATION FOR REGISTRATION OF RESIDENTIAL HOME**

Name of applicant .....

Address.....

.....

.....

Telephone Number .....

The applicant is –

*[Tick appropriate box]*

(a) the person carrying on or intending to carry on the home;

(b) the person in charge or intended to be in charge of the home;  
or

(c) both (a) and (b).

Name of home .....

Address.....

.....

.....

Telephone number .....

Form of construction of home.....

.....

Date on which home was established

or is to be established .....

Signature of applicant .....

**PART 2**

(Article 2(1)(b))

**INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR  
REGISTRATION**

- 1** Where the application for registration is made by the person who is or is intended to be in charge of the home and he or she is not the person carrying on the home he or she shall supply in writing to the Minister the following information –
  - (a) details of his or her professional or technical qualifications and experience (if any) of running a home;
  - (b) the names and addresses of his or her previous employers and of 2 referees; and
  - (c) if the Minister so requests, a report by a registered medical practitioner on the state of the applicant's health.
  
- 2** Where the application for registration is made by the person carrying on the home –
  - (a) that person shall, in a case other than one specified in subparagraph (b), supply to the Minister the following information –
    - (i) details of his or her professional or technical qualifications and experience (if any) of running a home,
    - (ii) the names and addresses of his or her previous employers and of 2 referees, and
    - (iii) if the Minister so requests, a report by a registered medical practitioner on the state of the applicant's health;
  - (b) that person shall, in the case of a company, society, association or other body or firm supply to the Minister the following information –
    - (i) the address of the registered office or principal office of the body or firm and the full names, dates of birth and addresses of the chairman and secretary of the company, or other persons responsible for the management of the body or the partners of the firm, and
    - (ii) if the Minister so requests, details of their professional or technical qualifications and experience (if any) of running a home.
  
- 3** An applicant for registration shall supply –
  - (a) in the case of an individual, details with respect to his or her criminal convictions (if any); and
  - (b) in the case of a company, society, association or other body or firm, details with respect to the criminal convictions (if any) of every director or other officer of the company, or of the persons

responsible for the management of the body or of the partners of the firm.

- 4 An applicant to whom paragraph 2 applies shall also supply to the Minister the following information –
- (a) the address of any other home or of any nursing home or mental nursing home within the meaning of the Law or any children's home or voluntary home within the meaning of the Children (Jersey) Law 1969<sup>8</sup> in which the applicant has or had a business interest, and the nature and extent of his or her interest;
  - (b) where requested by the Minister, details of any comments made by the fire authority;
  - (c) the accommodation available for residents and for persons employed at the home;
  - (d) whether any other business is or will be carried out in the same premises as the home and whether the home is also required to be registered as a nursing home or a mental nursing home;
  - (e) the number, sex and categories of residents for whom the home is proposed to be used by reference to the following categories –
    - old age (not falling within any other category)
    - mental disorder, other than mental handicap, past or present
    - mental handicap
    - alcohol dependence, past or present
    - drug dependence, past or present
    - physical disablement

*add* if the resident is –

    - (i) over 65 years of age (but not within the category of old age)
    - (ii) a child;
  - (f) the full name, dates of birth, qualifications and experience (if any) of persons employed, or proposed to be employed, in the management of the home (apart from a person to whom paragraph 1 applies) and whether they reside or are to reside in the home;
  - (g) the number, sex, position and relevant qualifications of staff, excluding any teaching staff and those referred to in subparagraph (f), employed or proposed to be employed at the home distinguishing between resident staff and non-resident staff and those employed on a full-time and part-time basis and indicating the number of hours per week for which it is intended to employ part-time staff;
  - (h) a statement of the aims and objectives of the home, of the care and attention to be provided in the home and of any arrangements for the supervision of residents;
  - (i) details of any special arrangements made or other services available for any particular category of resident and details of equipment and facilities and services to be provided in the home;

- (j) the arrangements made or proposed to be made for medical and dental supervision and treatment and for nursing care in cases of minor ailments;
- (k) the arrangements for the handling and administration of medicines; and
- (l) details of the scale of charges payable by residents.



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**SCHEDULE 2**

(Article 6)

**RECORDS TO BE KEPT IN A HOME**

The records to be kept under the provisions of Article 6(1) shall be –

- 1** A copy of the statement of the aims and objectives of the home, of the care and attention to be provided in the home and of any arrangements for the supervision of residents, which statement has in accordance with paragraph 4(h) of Part 2 of Schedule 1 been supplied to the Minister and has been agreed with the Minister.
- 2** A daily register of all residents (excluding persons registered or persons employed at the home and their relatives) which register shall, where applicable, include in respect of each resident, the following particulars –
  - (a) the name, address, date of birth and marital status of the resident and whether he or she is the subject of any court order or other process;
  - (b) the name, address and telephone number of the resident's next of kin or of any person authorized to act on his or her behalf;
  - (c) the name, address and telephone number of the resident's registered medical practitioner and of any person whose duty it is to supervise the welfare of that resident;
  - (d) the date on which the resident entered the home;
  - (e) the date on which the resident left the home;
  - (f) if the resident is transferred to a hospital or nursing home, the date of, and reasons for, the transfer and the name of the hospital or nursing home to which the resident is transferred;
  - (g) if the resident died in the home, the date, time and cause of death;
  - (h) the name, and address of any authority, organisation or other body which arranged the resident's admission to the home; and
  - (i) if the resident is a child, the name of any school which he or she is attending or any other place where he or she may be receiving education or vocational training.
- 3** In homes accommodating children –
  - (a) a statement of the sanctions used in the home to control bad behaviour and a book in which shall be entered a record of any sanction administered to a child and the name of that child; and
  - (b) a register in which shall be entered the date on which each child's arrival was notified to the Minister.
- 4** A case record in respect of each resident which shall include details of any special needs of that resident, any medical treatment required by him or her including details of any medicines administered to him or her, and any other information in relation to him or her as may be appropriate

- including details of any periodic review of his or her welfare, health, conduct and progress.
- 5** A record in respect of each child who has special educational needs and of the educational provision which is being made in relation to the child.
  - 6** A record of all medicines kept in the home for a resident and of their disposal when no longer required.
  - 7** A record book in which shall be recorded the dates of any visits by persons authorized to inspect the home and the occurrence of any event to which Article 14(1) refers.
  - 8** Records of the food provided for residents in sufficient detail to enable any person inspecting the record to judge whether the diet is satisfactory and of any special diets prepared for particular residents.
  - 9** A record of every fire practice, drill or fire alarm test conducted in the home and of any action taken to remedy defects in fire alarm equipment.
  - 10** A statement of the procedure to be followed in the event of fire.
  - 11** A statement of the procedure to be followed in the event of accidents or in the event of a resident becoming missing.
  - 12** A record of each person employed at the home to provide personal care for residents, which record shall include that person's full name, date of birth, qualifications, experience and details of his or her position and dates of employment at the home and the number of hours for which that person is employed each week.
  - 13** A record of any relatives of the registered person or of persons employed at the home who are residents.
  - 14** A statement of facilities provided in the home for residents and of the arrangements made for visits by their parents, guardians, friends and other visitors.
  - 15** A copy of any report made in accordance with the provisions of Article 19(2).
  - 16** A record of the scale of charges from time to time applicable including any extras for additional services not covered by that scale and of the amounts paid by or in respect of each resident.
  - 17** A record of all money or other valuables deposited by a resident for safekeeping or received on the resident's behalf specifying the date on which such money or valuables were deposited or received and the date on which any sum or other valuable was returned to a resident or used, at the request of the resident, on his or her behalf and the purpose for which it was used.

**SCHEDULE 3**

(Article 7)

**PARTICULARS TO BE RECORDED IN THE REGISTER KEPT BY THE MINISTER**

- 1** The full name and address of the person registered in respect of the home and, where both the person carrying on the home and the person in charge of it are registered in respect of it, their full names and addresses.
- 2** Where the person registered is a company, society, association or other body or firm the address of its registered office or principal office and the full names and addresses of the directors, or other persons responsible for the management of that body or the partners of the firm.
- 3** The name, address and telephone number of the home.
- 4** The number, sex and categories of residents (excluding persons registered or persons employed at the home and their relatives) by reference to the following categories –
  - old age (not falling within any other category)
  - mental disorder, other than mental handicap, past or present
  - mental handicap
  - alcohol dependence, past or present
  - drug dependence, past or present
  - physical disablement
  - add* if the resident is –
    - (i) over 65 years of age (but not within the category of old age)
    - (ii) a child.
- 5** The date of registration and of the issue of the certificate of registration and, where applicable, the date of any cancellation of registration.
- 6** The details of any conditions imposed on registration and of any addition to those conditions or variation thereof.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Residential Homes (General Provisions) (Jersey) Order 1995	R&O.8812	1 April 1995
Residential Homes (General Provisions) (Amendment) (Jersey) Order 1995	R&O.8897	1 January 1996
Residential Homes (General Provisions) (Amendment No. 2) (Jersey) Order 1996	R&O.9003	1 January 1997
Residential Homes (General Provisions) (Amendment No. 3) (Jersey) Order 1997	R&O.9166	1 January 1998
Residential Homes (General Provisions) (Amendment No. 4) (Jersey) Order 1998	R&O.9332	1 January 1999
Residential Homes (General Provisions) (Amendment No. 5) (Jersey) Order 2000	R&O.24/2000	15 March 2000
Residential Homes (General Provisions) (Amendment No. 6) (Jersey) Order 2000	R&O.137/2000	1 January 2001
Residential Homes (General Provisions) (Amendment No. 7) (Jersey) Order 2001	R&O.185/2001	1 January 2002
Residential Homes (General Provisions) (Amendment No. 8) (Jersey) Order 2002	R&O.164/2002	1 January 2003
Residential Homes (General Provisions) (Amendment No. 9) (Jersey) Order 2003	R&O.18/2003	17 March 2003
Residential Homes (General Provisions) (Amendment No. 10) (Jersey) Order 2003	R&O.135/2003	1 January 2004
Residential Homes (General Provisions) (Amendment No. 11) (Jersey) Order 2004	R&O.148/2004	1 January 2005
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
Residential Homes (General Provisions) (Amendment No. 12) (Jersey) Order 2005	R&O.111/2005	1 January 2006

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
1(1)	1
1(2), (3), (4)	spent, omitted from this revised edition
10(1)(j)	10(1)(i)
(k)	(j)
(l)	(k)
(m)	(l)
(n)	(m)
(o)	(n)
(p)	(o)
(q)	(p)
(r)	(q)
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paragraph 4(j)	paragraph 4(i)
paragraph 4(k)	paragraph 4(j)
paragraph 4(l)	paragraph 4(k)
paragraph 4(m)	paragraph 4(l)
SECOND SCHEDULE	SCHEDULE 2
paragraph 2(j)	paragraph 2(i)
THIRD SCHEDULE	SCHEDULE 3

**Table of Endnote References**

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- <sup>1</sup> *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *chapter 20.725*
- <sup>3</sup> *chapter 20.725*
- <sup>4</sup> *Article 3* *amended by R&O.8897, R&O.9003, R&O.9166, R&O.9332, R&O.24/2000, R&O.137/2000, R&O.185/2001, R&O.164/2002, R&O.135/2003, R&O.148/2004, R&O.111/2005*
- <sup>5</sup> *Article 4(1)* *amended by R&O.8897, R&O.9003, R&O.9166, R&O.9332, R&O.24/2000, R&O.137/2000, R&O.185/2001, R&O.164/2002, R&O.135/2003, R&O.148/2004, R&O.111/2005*
- <sup>6</sup> *Article 4(2)* *amended by R&O.8897*
- <sup>7</sup> *Article 20(2)* *amended by R&O.18/2003*
- <sup>8</sup> *chapter 12.200*