

APPLICATION FOR REGISTRATION AS A NEW PROVIDER OF A CARE HOME, HOME CARE, OR ADULT DAY CARE SERVICE – GUIDANCE NOTES

N.B. These guidance notes relate to a provider applying to register a new service or coming forward to take over an existing registered service.

INTRODUCTION

1. Which services need to be registered?

Any person providing a “regulated activity” under the Law is required to register with the Jersey Care Commission. The definitions of the regulated activities are set out in Schedule 1 of the Regulation of Care (Jersey) Law 2014 and at **Appendix 1** of this guidance. As of January 2019 the law comes into effect for:

- Care home services;
- Home care services;
- Adult day care services;

Before submitting an application to register a regulated service, a provider should consider the definitions and exemptions set out below.

1.1 Care home services

A care home service provides accommodation, together with nursing and/or social care (personal care or personal support), to adults or children individual(s) because of their vulnerability or need whether on a permanent or temporary basis.

“Personal Care” means assistance in daily living that does not need to be provided by a nurse, being practical assistance with daily tasks, such as eating, washing and dressing; or prompting a person to perform daily tasks.

“Personal Support” includes supervision, guidance, counselling (other than counselling that is health care) and other support in daily living that is provided to an individual as part of a programme of such support

“Nursing Care” means services that, by reason of their nature and circumstances, including the need for clinical judgement, should be provided by a nurse, including, providing care; assessing, planning and evaluating care

needs or the provision of care; and supervising or delegating the provision of care.

Included within the definition of a care home service are long term or respite nursing care services, hospice care, residential or respite services for people with learning disabilities or mental health problems and children's homes, including secure children's homes.

Exemptions

Generally services provided in a **hospital** are exempt from regulation however long term or respite nursing care services, hospice care, residential or respite services for people with learning disabilities or mental health problems and children's homes are included within the definition even if they are operated from a hospital.

Schools are exempt from the definition of a care home service.

Services associated with the criminal justice system are exempt from regulation such as a **prison** or **young offender institution**, however a secure children's home is defined as a care home.

Private accommodation occupied exclusively by a person receiving care and his or her family is not included in the definition.

Foster care is exempt from the definition of a care home service

1.2 Home Care Service

A home care service consists of the provision of nursing care, personal care or personal support to an individual who is living in private accommodation. Accommodation is not considered 'private' if it is provided by the person or organisation that also provides the care service.

Any organisation, States department or individual providing care for reward to someone in their home is required to register as a home care service. Any carer or nurse who is directly employed to provide care to someone who is living in their own home is required to be registered.

A professional nursing or care service offered free of charge to someone in their own home also falls within the definition of a home care service, this would include for example community nursing, community palliative care or health visiting type services.

Exemptions

Any home care service provided **exclusively by a Minister** is exempt and does not require registration. This would include nurses who work in the community as part of a multi-disciplinary hospital specialist team.

Employment agencies that introduce nurses or care workers to an individual, where there is no ongoing management or control are not included in the definition of a home care service.

People who receive a **carers allowance** under the Income Support Law or the home **carer's allowance** under the Social Security Law are exempt from registration.

Informal carers, family or friends who provide care to someone in their own home **who do not receive any reward** do not need to be registered as a home care provider.

1.3 Adult Day Care Services

An adult day care service is a service for adults, providing nursing care, personal care or personal support in premises that are not private accommodation, for a limited number of hours in any one day and without overnight accommodation.

Any independent, private or voluntary organisation, individual or States department providing care or support to people in any building, other than to someone in their own home, for a limited time during the day, falls within the definition and will need to be registered.

Exemptions

Clubs that only provide a place for people to meet, socialise and participate in social activities are not included in the definition and do not need to be registered.

Self-help groups organised to provide peer support are exempt and not required to be registered.

Services that are set up purely to provide **advice**, for example Citizen's Advice, are not required to be registered.

2. TYPES OF PROVIDERS

There are a variety of different legal entities that can register to provide a service. The list is set out below.

2.1 Individual provider

An individual may register to provide a regulated service as a sole trader. Registration as a service provider is in the individual's own name.

- Individuals who wish to register as a sole trader for a care home service, home care agency service or adult day care service, should complete form ref: **CCP02: Part A - Application for Registration as a Sole Trader Provider of an Establishment or Agency**

- Individuals who are directly employed to provide nursing care, personal care or personal support by the person receiving the care should complete form ref: **CCST03: Part A - Application for Registration as Sole Trader directly Employed to Provide Home Care** (See *separate guidance for individually registered carers*).

2.2 Organisational Provider

An organisation may register to provide a regulated service and will be registered as the 'person' carrying on the service. These include private, voluntary and States providers such as:

- Limited Companies
- Charitable Companies
- Partnerships
- Parish Authorities
- States of Jersey Departments
- Charitable Trusts
- Management Committees

Organisations other than the States of Jersey who wish to register a regulated service should complete form: **CCP01: Part A – Application for Registration as a Provider Organisation of an Establishment or Agency**

Applications from a States of Jersey Department should be made on form: **CCSOJP04: PART A - Application for Registration as a States of Jersey Provider of an Establishment or Agency**

3. MAKING AN APPLICATION

3.1 Application Forms

The application form is in three distinct parts. (See process map on page 7). For any new provider of an establishment or agency all three parts must be completed.

Part A

This part contains information about the service provider who will be either a sole person, organisation or partnership, States of Jersey Department, or an individual directly employed by someone to provide care. This is necessary to enable us to make an assessment that those applying for registration are fit and proper people.

Where an application is made by a body corporate, information is required for each director/partner/trustee or management committee member. We require references, including professional, financial and medical references and a Disclosure and Barring Service check for all individuals named in the

application form. For this check to be valid, it must be less than 3 months old at the point of submission.

Where a directly employed sole trader is applying for registration, the Jersey Care Commission can arrange for a Disclosure and Barring Check to be undertaken.

States Departments, Parish Authorities and individually employed sole traders are not required to provide a financial reference.

Part A must be signed by each person named in the application.

Where a provider applies to register more than one service (e.g. a care home and a care agency, or two or more care homes) only one Part A form is required to be completed.

Part B

This part contains information about the person who will be registered to manage the service. An application to register a person to manage a regulated care service must be made by the provider. A manager is required in the following circumstances:

- the registered provider is an organisation, company or partnership
- the registered provider of an establishment or agency is an individual sole trader and he or she does not intend to manage the service themselves, i.e. does not intend to be in day to day charge
- the registered provider of an establishment or agency is an individual sole trader and is not fit to manage the service

We require this information to enable us to make an assessment that the person applying for registration to manage the care service is a fit and proper person. We require professional and medical references, original copies of professional, vocational or technical qualifications and a Disclosure and Barring Service check that is less than three months old at the point of submission.

Part B must be signed by both the provider and the individual who is to be the manager

Unless agreed with the Care Commission, each service or location where a service is carried on will require a person to be registered as a manager. Where an application is for a number of services or locations, Part B must be completed for each one.

(Part B is not required for individuals directly employed by someone to provide care).

Part C

This part specifies information about the service that is to be provided. This information will be used by the Care Commission to determine the conditions that applied to the registration including the type of care provided (i.e. personal care, personal support or nursing care), the category of need the service will provide for (e.g. older people, children, learning disability etc) and the age range of care receivers.

For care homes it will include the maximum number of people that can be accommodated in the home, the room numbers or names, and room occupancy.

For home care agencies, the information includes the maximum number of care hours,

For adult day care services the information includes the maximum number of care receivers that can be accommodated on the premises at any one time

Where a provider is applying to register more than one service, or a service that is carried on in more than one location, Part C must be completed for each service or location.

(Part C is not required for individuals directly employed by someone to provide care).

3.2 Completing the Application

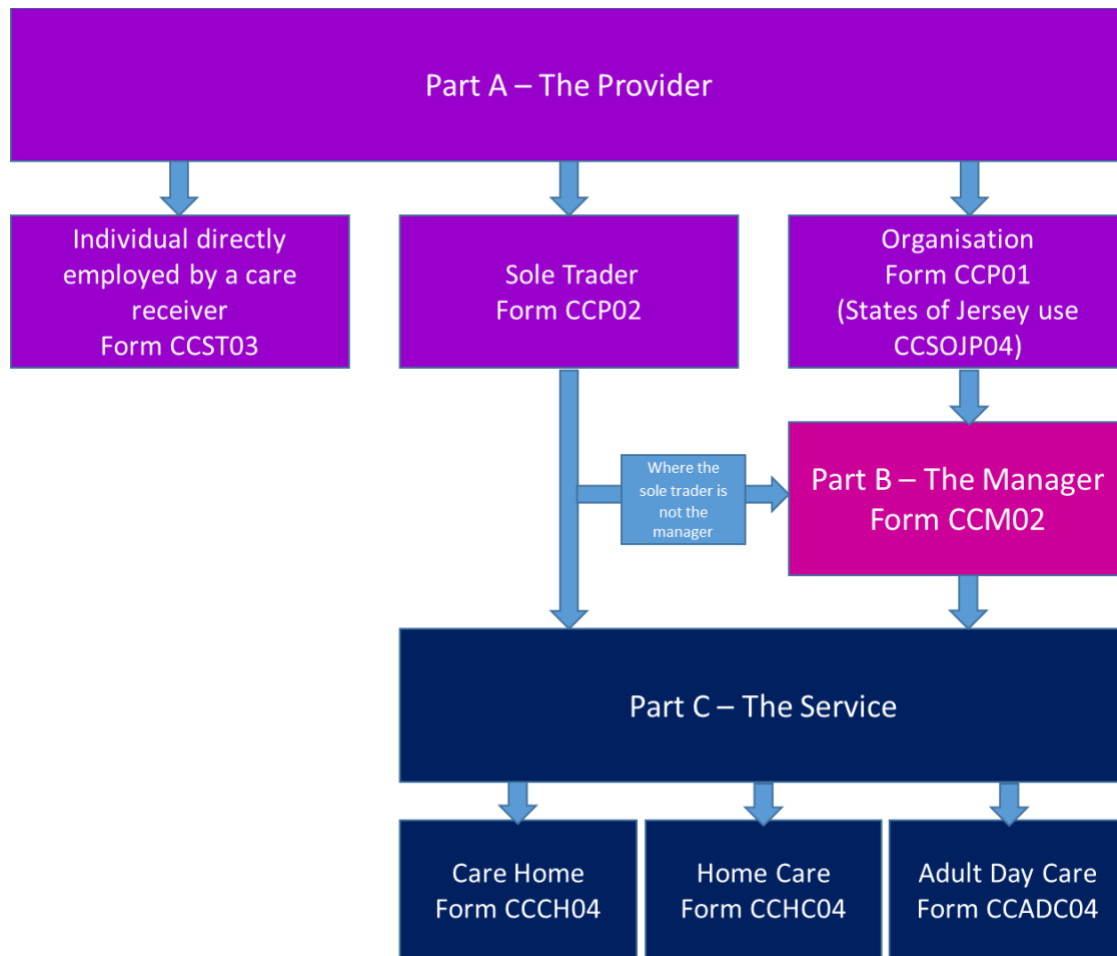
To apply for registration, the provider must ensure the appropriate parts of the application are completed and the declarations signed and dated. The forms should be returned to the Jersey Care Commission, together with the required information and documents and registration fee. Payment can be either by cheque made payable to the "Treasurer of the States" or by BACS. Applications can be submitted marked '**confidential**' either by email to: notifications@carecommission.je or by post to:

**Applications Processing
Jersey Care Commission
23 Hill Street
St Helier
JE2 4UA**

Appendix 2 contains a detailed summary of the information required to support the application form.

Appendix 3 sets out the current fee structure. A registration fee is payable at the time of application registration. Once registered an annual fee is required on a pro rata basis depending on the month the registration becomes effective.

3.3 Registration Process for Care Homes, Adult Day Care Services and Home Care and Individually Registered Care/Support Workers



4. ASSESSING THE APPLICATION

Once the application is received by the Commission we carry out an assessment of the information in accordance with the Regulations and make a determination about the registration.

4.1 Factors considered in making a determination

When considering the application we take into account the following:

- Does the application contain all the required information?
- Are we satisfied that the provider is a 'fit person'?
- Are we satisfied that the manager is a 'fit person'?
- Are we satisfied that the service provider will comply with the requirements of the Regulations and other legislation

4.2 Does the application contain all required information?

On receipt of the application our initial check will ensure that the application form contains all of the required information. If we find that the information or

documentation that has been provided is not sufficiently detailed, we will ask for this to be rectified.

4.3 Fit and Proper person assessment

When making any decision about the registration of a service provider we must be satisfied that the service provider and the manager are 'fit persons' to be providing regulated services. Part 2 of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 (Appendix 1) sets out the criteria for fitness. This includes various matters that are likely to affect fitness of a provider or manager such as: the commission of offences, lack of qualifications, skills, knowledge or experience and bankruptcy. However we must also have regard to all matters that we think appropriate.

Our assessment of fitness will include any information that is already known to us about a service provider or manager. We may contact other regulators (such as Care Quality Commission, Scottish Care Inspectorate, Regulation and Quality Improvement Authority) for information where appropriate.

Individual applicants, both providers and managers, are required to undergo a Disclosure and Barring Service Check (DBS) as part of the registration process. In the event of a positive disclosure we will consider whether any further action is required. This may include holding an interview in order to establish whether the disclosure is likely to have an impact on the individual's suitability to be providing or managing a regulated service.

The Regulations stipulate that the provider must carry on services in such a way to ensure that it is financially viable and that the applicant must not have been declared bankrupt, for this reason financial documentation will also be reviewed as part of the registration assessment.

To ensure that the provider and the manager have the skills, knowledge and expertise to operate and manage a particular regulated activity, we will assess the qualifications and experience of applicants and take up references.

Managers of regulated services hold responsibility for safeguarding and promoting the welfare of vulnerable people in their care. They should have the knowledge of and commitment to good care and possess the competencies to manage the service. Applicants should only apply if they can evidence that they are suitably qualified to be registered. In certain circumstances, where we judge that an applicant does not have the necessary management qualification but has relevant care qualifications and experience, we may still register the person with a condition to obtain an appropriate qualification within a specified time frame.

4.4 Compliance with all relevant legislation

We will need to be satisfied that the service will be provided in such a way that it complies with all relevant legislation. This will include the Regulations

made under the 2014 Law and other legislation that is relevant to the service, such as health and safety, fire safety, planning.

The Regulations and Standards set out the requirements on service providers. As part of reviewing the application we undertake a premises assessment. This assessment is carried out against the service's Statement of Purpose, the Regulations and Standards. As a consequence

We will endeavour to determine registration applications in a timely fashion. If we require any additional information or where there are specific issues that need to be addressed we may need to extend the time it takes us to process the application.

5. REGISTRATION DECISION

Applicants applying to register a single service, will receive a single determination Notice.

Where a service provider has applied to register more than one service as part of the same application, we issue a determination Notice per service resulting in the service provider becoming registered with us. This is to prevent any delays in registering each service.

5.1 Granting an application

Where an applicant has indicated their agreement to the proposed conditions of registration on the application form and we intend to grant the application, we will issue a Certificate of Registration. Registration takes effect on the same day the Certificate is issued.

5.2 Granting an application with imposed conditions

Where we intend to grant an application, but the applicant has not indicated their agreement to the proposed conditions of registration on the application form, or we propose to impose additional conditions, we issue a Notice of Proposal to impose conditions. For example, where an applicant has asked to register a care home with a maximum capacity of 60 people, but we propose to register the service with a maximum capacity of 50 people.

The Notice will set out the conditions we intend to apply, the reasons why and timescale for making representations to the Commission about the proposal.

Before reaching a decision to impose conditions, the Commission must take into consideration any representations made by the applicant.

If we decide to grant the registration with the imposed conditions, we will issue a certificate of registration. Registration takes effect on the same day as the certificate is issued. The applicant may appeal this decision to the Royal Court within 28 days following the day the applicant receives the registration certificate.

5.3 Refusal of an application

Where we intend to refuse an application to register either a provider or a manager, we will issue a Notice of Proposal. Where we intend to refuse the application of a manager, both the provider and the person applying for registration as a manager will receive a Notice of Proposal.

The Notice of proposal will set out the reasons why we are refusing the application and the timescale for making representation to the Commission.

Before reaching a decision to refuse an application, the Commission must take into consideration any representations made by the applicant.

If we decide to refuse the application for registration we will send out a Decision Notice to this effect and set out the rights of appeal. The applicant may appeal the decision to the Royal court within 28 days following the day the applicant receives the Decision Notice.

5.4 Representations and Appeals

Representations

In the event that we issue a Notice of Proposal to either impose conditions on a registration or refuse a registration, the Notice will give a deadline to make representations to us no later than 14 days after the Notice is given.

We will aim respond with our decision within 14 days of the deadline for representations elapsing. If we are unable to respond within this timeframe we will inform the applicant of this and the reasons why.

The Decision Notice will set out whether we intend to take the proposed action, the reason why and explain the rights of appeal.

Appeals

An appeal against a decision of the Commission must be made to the Royal Court within the period of 28 days following the day the applicant receives Notice of the decision.

The Royal Court can confirm the decision of the Commission, or direct that the decision of the Commission shall not have effect.

APPENDIX 1

REGULATION OF CARE (REGULATED ACTIVITIES) (JERSEY) REGULATIONS 2018

Made

20th November 2018

Coming into force

1st January 2019

SCHEDULE 1

(Regulation 1)

SCHEDULE AMENDED

“SCHEDULE 1

(Article 2(1))

REGULATED ACTIVITIES

1 Provision of care home service

- (1) The provision of a care home service is a regulated activity.
- (2) In this paragraph a “care home service” is a service providing residential accommodation together with care, whether on a temporary or permanent basis, to adults or children where residents have no choice as to the provider of the care, other than foster care or a service provided in –
 - (a) a hospital;
 - (b) a school;
 - (c) a prison or young offender institution; or
 - (d) private accommodation (not being accommodation provided purely in the context of the provision of a care home service by the same person who provides that accommodation) occupied exclusively by the care receiver and his or her family.
- (3) For clarity, nothing in sub-paragraph (2)(c) prevents any service provided in a secure children’s home being a care home service.
- (4) For the purposes of this paragraph the following services are not treated as services provided in a hospital even if they are operated from a hospital –
 - (a) hospice services;
 - (b) long-term or respite nursing care services;
 - (c) residential or respite services for people with learning difficulties or mental health problems; or
 - (d) services provided in a children’s home within the meaning of Article 1(1) of the Children (Jersey) Law 2002^[4].

2 Provision of home care service

- (1) The provision of a home care service is a regulated activity.
- (2) In this paragraph a “home care service” is a service consisting of the provision of care by any person to an individual in private accommodation (not being accommodation provided purely in the context of the provision of a care home service by the same person who provides that accommodation) –
 - (a) for reward (whether in money or in kind and whether or not that person is a relative or friend of the care receiver); or
 - (b) as part of a professional service offered to the individual free of charge, other than a service that is carried on exclusively by a Minister.
- (3) However, the following do not constitute reward –
 - (a) the giving of birthday, Christmas and other celebratory or thank-you gifts, the reimbursement of expenses or the payment of, or a contribution towards, the cost of shared meals or travel by a care receiver to or for the benefit of the person providing care;
 - (b) receipt of the special component of income support under Article 5(3)(d) of the Income Support (Jersey) Law 2007^[51] (the carer’s component) or the home carer’s allowance under Article 18A of the Social Security (Jersey) Law 1974^[61];
 - (c) any part of the value of an approved care package within the meaning of Article 7 of the Long-Term Care (Jersey) Law 2012^[71] that is paid directly to an unpaid carer who is caring otherwise than as the person’s employment to provide respite for the carer instead of being used to provide alternative care to the care receiver.
- (4) The services provided by an employment agency through which an individual is introduced to a care receiver without the care provided by the individual’s being subject to any ongoing management or control, do not constitute the provision of a home care service by that agency.

3 Provision of adult day care service

- (1) The provision of an adult day care service is a regulated activity.
- (2) In this paragraph “adult day care service” means a service providing premises other than private accommodation –
 - (a) for adult persons only;
 - (b) for a limited number of hours in any one day without overnight accommodation; and
 - (c) for care that is not limited to social activities, self-help or advice.

4 Interpretation for Schedule

In this Schedule –

“care” means nursing care or social care;

“care receiver” means a person in receipt of care.”.

APPENDIX 2

Documents required to be enclosed with the application form

Document Title	Who needs to enclose these documents
Statement of Purpose	For each individual service
Structural plan of the organisation	All applicants except individuals
Floor Plans	Accommodation based services
Medical reference	All applicants (including all partners/directors/trustees etc.)
Birth Certificate	All applicants (including all partners/directors/trustees etc.)
Valid photo identification	All applicants (including all partners/directors/trustees etc.)
DBS certificate issued within 3 months of date of application	All applicants (including all partners/directors/trustees etc.)
Curriculum Vitae	All applicants (including all partners/directors/trustees etc.)
Financial reference	All applicants other than States Departments and Parish Authorities
Copy of last two annual reports	All limited companies, public limited companies, limited liability partnerships, charitable companies, charitable incorporated companies or any other corporate bodies.
Business Plan	All applicants other than States Departments and Parish Authorities
Certificate of insurance	All applicants
Copy of business licence	All applicants
Staff duty rota covering two weeks	For each individual service
Professional, vocational or technical qualification	Individuals applying to register as the manager of a service

Evidence of professional indemnity insurance (if applicable)	Health or social care professionals applying to register as the manager of a service
Fire Certificate	Care Homes
Building Control completion certificate	All new/repurposed accommodation services
Tenancy/Lease Agreement	All services where the premises are leased or rented

APPENDIX 3

JERSEY CARE COMMISSION FEE TABLE

Type of Service	Provider Application Fee	Manager Application Fee	Annual Fee
Care home service	£1,500 per premises	£260 per manager	£160 per registered bed Small charity care home £0*
<p>*small charity care home means a provider –</p> <ul style="list-style-type: none"> • that is a registered charity within the meaning of Article 1 of the Charities (Jersey) Law 2014 • that has no more than 10 beds in total available for use as part of the care home service; • whose sole activity is the provision of that service; • that charges fees to its care receivers that are no more than the fees that would be charged for long-term care services under the Long-Term Care (Health and Social Services Charges) (Jersey) Law 2014 for each such care receiver; • that does not charge its care receivers for any supplementary or top-up services; and • that does not hold any contract for services with, nor receives any form of grant or aid from, any administration of the States of Jersey; 			
Home care service	£750	£260	Small provider £600 Medium provider £1,100 Medium plus provider £2,200 Large provider £4,200
<p>Small provider means a home care service that provides an aggregate amount of care to all its care receivers of no more than 112 hours in any week; Medium provider means a home care service that provides an aggregate amount of care to all its care receivers of more than 112 hours but not more than 600 hours in any week; Medium plus provider means a home care service that provides an aggregate amount of care to all its care receivers of more than 600 hours but not more than 2,250 hours in any week; Large provider means a home care service that provides an aggregate amount of care to all its care receivers home care of more than 2,250 hours in any week.</p>			

Home care service provided by an individual directly employed by the care receiver	£50	£0	£0 for the year in which the individual is first registered then £50 for each subsequent year
Adult day care service	£1,100 per premises	£260	£80 per registered place

Note

For 2019 only, providers who were previously registered under the Nursing Agencies (Jersey) Law 1978 or the Nursing and Residential Homes (Jersey) Law 1994 the annual fee payable for 2019 is 50% of what would have been payable under those Laws (£185) plus 50% of the new annual fee rate as set out above.

Other Fees

Type of Fee	Fee
For a copy of each entry in the register of persons registered under the Law	£10
For the issue of a replacement certificate to a registered provider	£10
Surcharge for non-payment of annual fee by specified date (31st January)	If paid before 1st August - £300 If paid on or after 1st August – £600
For application to vary a condition	£30