



Procedures for Registration Regulation of Care (Jersey) Law 2014

March 2019

Contents

		Page
1	<u>Introduction</u>	3
2	<u>Definitions of Care</u>	4
3	<u>Care services which need to be registered</u>	5
4	<u>Types of providers</u>	7
5	<u>Application process</u>	8
6	<u>Assessment of applications</u>	10
7	<u>Registration Decision</u>	12
8	<u>Conditions of registration and variations</u>	13
9	<u>Responsibilities for decisions</u>	14
10	<u>Representations and Appeals</u>	15
Appendix 1	<u>Registration determination framework</u>	16
Appendix 2	<u>Registered manager qualifications</u>	23

Procedures for registration approved by the Jersey Care Commission 14 March 2019.

1. Introduction

- 1.1 The Regulation of Care (Jersey) Law 2014 was introduced to establish an independent Health and Social Care Commission to regulate health and social care provision in the island.

In 2017 the Jersey Care Commission were appointed to:

- provide the people of Jersey with independent assurance about the quality, safety and effectiveness of their health and social care services
- promote and support best practice in the delivery of health and social care by setting high standards and challenging poor performance
- work with service users and their families and carers to improve their experience of health and social care and achieve better outcomes.

- 1.2 The Commission adopt Right-touch regulation principles identified by the Better Regulation Executive and the Professional Standards Authority of:

- **Proportionality:** regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised
- **Consistency:** rules and standards must be joined up and implemented fairly
- **Targeting:** regulation should be focused on the problem and minimise side effects
- **Transparency:** regulators should be open, and keep regulations simple and user friendly
- **Accountability:** regulators must be able to justify decisions and be subject to public scrutiny
- **Agility:** regulation must look forward and be able to adapt to anticipate change.

- 1.3 On 1 January 2019, the first phase of the Law was enacted which includes the regulation of the following care services:

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

Service types are defined in the Regulation of Care (Regulated Activities) (Jersey) Regulations 2018. The Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 specify requirements for registration.

- 1.4 These procedures define, detail and explain the process for registration under the Law and how decisions about registration are determined.

2. Definitions of care

- 2.1 **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.

Examples of nursing care:

- ✓ Identify, observe and assess signs of normal or worsening physical and mental health (NMC 2018) e.g. monitoring and interpretation of physiological / psychological / behavioural etc. observations.
- ✓ Assess need and deliver or advise on treatment in line with best available evidence (NMC 2018) e.g. wound care management, continence care management.

- 2.2 **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.

Examples of personal care include:

- ✓ Preparing meals and drinks, providing assistance or support with eating or drinking
- ✓ Assistance or prompting with continence care
- ✓ Assisting or prompting people to maintain skin integrity and carry out personal hygiene
- ✓ Assisting with mobility

- 2.3 **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.

Examples of personal support include:

- ✓ Assistance to attend appointments
- ✓ Assistance with trips out, shopping etc.
- ✓ Support to manage affairs, money, bills etc.
- ✓ Development of skills

3. Care services which need to be registered

3.1 Care Home Services

Services which provide overnight accommodation together with care (nursing care/personal care/personal support) will be required to register as a care home service. Care home services may be permanent or temporary and for children or adults.

Included under the definition of care home services are residential services including residential short break services for people with learning disabilities, mental health problems, hospice care, residential services for the homeless, people who have experienced domestic abuse, children's residential care including secure children's homes.

3.2 Exemptions (Care Home Services)

Hospitals

Generally, services provided in a hospital are exempt from regulation, however, long term 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

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

Prisons or young offender institutions

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

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

Foster Care

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

3.3 Home Care Services

Services which provide care (nursing care/personal care/personal support) to children and/or adults who live in private accommodation will be required to register as a home care service. Accommodation is not considered 'private' if it is provided by the person or organisation that also provides the care service.

Included in the definition of home care services are organisations which provide workers who provide care (nursing care/personal care/personal support) in people's homes and have an ongoing role in the management and control of people's care.

Organisations will need to register as a home care service where they provide an ongoing role in the management and control of people's care which includes the carrying out of **any** of the following activities:

- Managing care provision or providing a care manager
- Monitoring of the service provided to an individual and taking responsibility for replacing workers
- Advising or directing changes to care provision – i.e. times, duration etc.
- Managing workers hours / rotas
- Charging the person for the care delivered (i.e. where payment is not made directly to the worker) (this excludes an introduction fee or where the agency carries out a payroll function on behalf of the person receiving care).
- Making arrangements and covering any worker sickness or other leave (other than when the individual makes an independent request to introduce another worker to cover leave).
- Assessing people's needs (other than to determine the type of worker or most suitable worker) and/or providing and reviewing care plans and/or risk assessments.

Workers who are directly employed by a person or their representative to provide care (nursing care/personal care/personal support) to people in their own homes for reward whether in money or in kind will be required to register as an individual home care provider.

3.4 Exemptions (Home Care Services)

Employment agencies

Organisations who introduce workers to an individual who do not provide further ongoing management or control (see above) are not included in the definition of a home care service.

Home care services provided exclusively by a Minister

Specialist services which are **only** provided by the Minister are not required to register i.e. nurses who work as part of a Health and Community Services multi-disciplinary specialist team who visit people in their homes.

Informal carers, family or friends

People who receive Carers Allowance under the Income Support Law or Home Carers Allowance under the Social Security Law do not need to be registered as a home care provider.

Carers, family or friends who do not receive any reward for providing care are not required to register as a home care provider. The following are not viewed as 'reward':

- 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.

3.5 Adult Day Care Services

Services which provide care (nursing care/personal care/personal support) to adults (aged 18 or above) in premises that are not private accommodation for a limited number of hours in any one day and without overnight accommodation will be required to register as an adult day care service.

3.6 Exemptions (Adult Day Care Services)

Clubs

Clubs that only provide a place for people to meet, socialise and participate in social activities (and do not provide care as defined under the law) are not included in the definition and do not need to be registered.

Self-help groups

Groups organised to provide peer support are exempt and not required to be registered.

Advice services

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

4. Types of providers

4.1 There are different legal entities that can register to provide a care service:

4.2 *Individual provider (sole trader)*

An individual may register to provide a care service as a sole trader. Registration will be in the individual's own name.

4.3 *Individual provider (directly/self-employed)*

There is a separate registration process for individuals who are directly employed by the person receiving care.

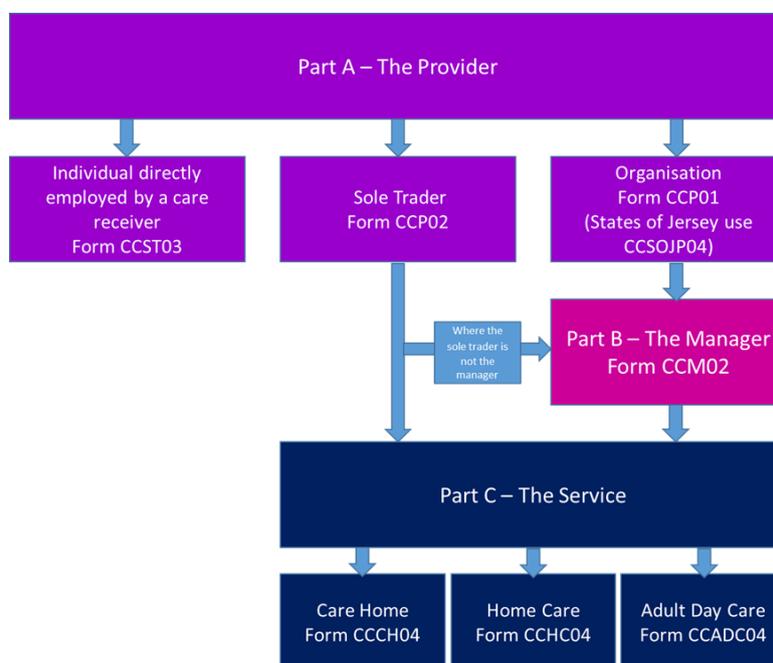
4.4 *Organisations*

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 Government of Jersey providers such as:

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

5. Application process

- 5.1 Application forms can be downloaded from www.carecommission.je. The application process will depend on the type of provider as specified above. The image below maps out the registration process:



5.2 Application Part A

Part A is necessary to enable the Commission to make an assessment that those applying for registration meet the fitness criteria specified within the Regulations. It contains information about the provider who will be:

- an individual directly employed by a care receiver or;
- a sole trader or;
- an organisation

- 5.3 Where an application is made by a body corporate, information is required for each director/partner/trustee or management committee member (referred to as 'partners' throughout the application process). References are required, including professional, financial and medical and an Enhanced Disclosure and Barring Service check for all partners named in the application form. For this check to be valid, the Disclosure and Barring Check must be less than 3 months old at the point of submission.
- 5.4 Where a directly employed individual is applying for registration, the Commission can arrange for an Enhanced Disclosure and Barring Check to be undertaken.
- 5.5 Government of Jersey Departments, Parish Authorities and individually employed sole traders are not required to provide a financial reference.

- 5.6 Part A must be signed by each person named in the application.
- 5.7 Providers who apply to register more than one care service need only to submit Part A once.

5.8 **Application Part B**

Part B contains information about the person who will be registered to manage the service to enable the Commission to make an assessment that the person applying meets the fitness criteria specified within the Regulations and Standards.

- 5.9 An application to register a person to manage a regulated care service must be made by the provider.
- 5.10 A manager is required in the following circumstances where:
- the registered provider is an organisation;
 - 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.
 - the registered provider of an establishment or agency is an individual sole trader and is not fit to manage the service.

5.11 Professional and medical references, original copies of professional, vocational or technical qualifications will be required and an Enhanced Disclosure and Barring Service check that is less than three months old at the point of submission.

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

5.13 Unless otherwise agreed with the Commission, each care service or location where a care service is carried on will require a person to be registered as a manager.

5.14 Where an application is for a number of services or locations, Part B must be completed for each one.

5.15 Part B does not need to be completed for individuals who are directly employed by a care receiver.

5.16 **Application Part C**

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

5.17 For care home services 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 services, the information includes the maximum number of care hours/week. 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.

- 5.18 Where a provider is applying to register more than one care service, or a service that is carried on in more than one location, Part C must be completed for each service or location.
- 5.19 Part C does not need to be completed for individuals who are directly employed by a care receiver.

6. Assessment of applications

- 6.1 Once the application is received, the Commission will carry out an assessment of the information in accordance with the Regulations and make a determination about the registration.

- 6.2 Factors considered in making a determination

When considering the application the following is taken into account:

- Does the application contain all the required information?
- Is the Commission satisfied that the provider meets fitness criteria?
- Is the Commission satisfied that the manager meets fitness criteria?
- Is the Commission satisfied that the provider will comply with the requirements of the Regulations and any other relevant legislation?

- 6.3 Appendix 1 contains the Jersey Care Commission Registration Determination Framework which explains how the Commission use application information submitted to determine whether or not a provider/manager/service should be registered.

- 6.4 On receipt of the application an initial check will ensure that the application form contains all of the required information. If it is found that the information or documentation that has been provided is not sufficiently detailed, the provider will be asked to rectify this.

- 6.5 **Fitness Criteria**

When making any decision about the registration of a service the Commission must be satisfied that the service provider and the manager are 'fit persons' to be providing regulated activities.

- 6.6 Part 2 of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 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, the Commission must also have regard to all matters deemed appropriate.

- 6.7 The Regulations requires that where a provider is a body corporate, the requirements to meet the fitness criteria apply to every director, board member, trustee or other similar office holder (referred to as ‘partner’).
- 6.8 The assessment of fitness will include any information that is already known about a provider or manager. The Commission may contact other regulators (such as Care Quality Commission, Scottish Care Inspectorate, Regulation and Quality Improvement Authority) for information where appropriate.
- 6.9 To ensure that the provider and the manager have the skills, knowledge and expertise to operate and manage a particular regulated activity, the Commission will assess the qualifications and experience of applicants and take up references.
- 6.10 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.
- 6.11 Applicants should only apply if they can evidence that they are suitably qualified to be registered.
- 6.12 In certain circumstances, where the Commission judge that an applicant does not have the necessary management qualification but has relevant care qualifications and experience, they may still be registered with a condition to obtain an appropriate qualification within a specified time frame.
- 6.13 To ensure that the provider and manager are medically and mentally fit to be a registered person and be legally accountable confirmation from a medical practitioner is required.
- 6.14 Providers and managers are required to undergo an Enhanced Disclosure and Barring Service Check (DBS) as part of the registration process. The Regulations state that a provider or manager would be seen as ‘unfit’ if the person “has been sentenced to a term of imprisonment...” or “is named on a barred list”. In the event of a positive disclosure the Commission 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.
- 6.15 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.
- 6.16 **Compliance with all relevant legislation**
- The Commission 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.
- 6.17 The Regulations and Standards set out the requirements on service providers. As part of reviewing the application the Commission will undertake a premises assessment. This assessment is carried out against the service’s Statement of Purpose, the Regulations and Standards.

- 6.18 The Commission will endeavour to determine registration applications in a timely fashion. If additional information is required or where there are specific issues that need to be addressed the Commission may need to extend the time it takes to process the application.

7. Registration Decision

7.1 Granting an application

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

- 7.2 Where a service provider has applied to register more than one service as part of the same application, a Certificate for each service will be issued. This is to prevent any delays in registering each service.

7.3 Granting an application with imposed conditions

Where the Commission intend to grant an application, but the applicant has not indicated their agreement to the proposed conditions of registration on the application form, or the Commission propose to impose additional conditions, the Commission will 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 the Commission propose to register the service with a maximum capacity of 50 people.

- 7.4 The Notice will set out the conditions the Commission intend to apply, the reasons why and timescale (14 days) for making representations to the Commission about the proposal.

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

- 7.6 If the Commission decide to grant the registration with the imposed conditions, a certificate of registration will be issued. 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.

- 7.7 If the applicant informs the Commission that they do not intend to make any representations and that they accept the Commission proposal, then the Commission will not need to wait until the 14 day period (where representation can be made) to make a decision.

7.8. Refusal of an application

Where the Commission intend to refuse an application to register either a provider or a manager, a Notice of Proposal will be issued. Where the Commission 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.

- 7.9 The Notice of proposal will set out the reasons for refusing the application and the timescale (14 days) for making representation to the Commission.
- 7.10 Before reaching a decision to refuse an application, the Commission must take into consideration any representations made by the applicant.
- 7.11 If the Commission decide to refuse the application for registration a Decision Notice will be issued to this effect and set out the rights of appeal.
- 7.12 The applicant may appeal the decision to the Royal court within 28 days following the day the applicant receives the Decision Notice.

8. Conditions of registration and variations

8.1 Conditions

The conditions of registration will be imposed by the Commission based upon the information supplied within the application and Statement of Purpose.

Conditions will vary depending on the regulated activity, types of care, age ranges, capacity/premises where appropriate and qualifications of the staff/manager.

8.2 Variations of conditions

Conditions can be varied either by the Commission taking action or following an application from the provider.

8.3 The Commission will issue a Notice of Proposal when:

- Imposing conditions on a provider's registration
- Varying conditions on a provider's registration

(The Commission may impose or vary a condition with immediate effect under certain circumstances where they are of the opinion that a delay would be a serious risk to the life, health or well-being of an individual.)

8.4 Providers can apply to vary their conditions in order to:

- Add or remove a service
- Vary the maximum capacity of the service / number of people who can be accommodated.
- Vary conditions imposed on their registration
- Add or remove a partner

8.5 Where the Commission intend to grant an application, or where conditions imposed by the Commission are agreed by the provider a new Certificate will be issued which will contain the changes to the conditions. The decision takes effect on the date the Certificate is issued.

8.6 Refusal of an application to vary conditions

Where the Commission intend to refuse an application from a provider to vary conditions, a Notice of Proposal will be issued. The Commission may specify actions on the Notice of Proposal which, if taken within a specified time frame may result in the Commission not taking the proposed action.

8.7 Where a Notice of Proposal to refuse an application to vary conditions has been made, the Notice will give the provider 14 days to make representation.

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

8.9 Where the Commission decide to refuse the application to vary conditions, a Decision Notice will be issued to this effect and set out the rights of appeal.

8.10 The applicant may appeal the decision to the Royal court within 28 days following the day the applicant receives the Decision Notice.

8.11 Conditions imposed by the Commission

If the provider does not accept the imposed conditions issued by the Commission on a Notice of Proposal, the Notice will give the provider 14 days to make representation.

8.12 Before reaching a decision to impose the conditions without the agreement of the provider, the Commission must take into consideration any representations made by the provider.

8.13 If the Commission decide to impose the conditions without the agreement of the provider, a Decision Notice will be issued to this effect and set out the rights of appeal.

8.14 The applicant may appeal the decision to the Royal court within 28 days following the day the applicant receives the Decision Notice.

9. Responsibilities for decisions

9.1 Responsibilities for decisions

The Commission delegates all statutory regulatory powers to the Chief Inspector of the Commission with the exception of:

- Refusal, cancellation (other than at the request of the registered person) or revocation of registration of persons in respect of establishments and agencies under the Regulation of Care (Jersey) Law 2014 and the Nursing Homes (Jersey) Law 1995.

9.2 Where the commission considers there are grounds to refuse, cancel or revoke a registration under the above Laws, the Commission delegates the decision to a panel

consisting of the Chief Inspector and two Commissioners, one of the two Commissioners will be the Chair of the panel.

- 9.3 Where a condition on a registration is imposed by the Commission without the agreement of the provider or where an application for a variation of conditions has been refused by the Commission the applicant/registrant has a right of representation to the Commission. The Commission delegates this responsibility to a panel consisting of the Chief Inspector and two Commissioners, one of the Commissioners will be the Chair of the panel.

10. Representations and appeals

10.1 Representations

In the event that the Commission issue a Notice of Proposal, the Notice will give a deadline to make representations to the Commission no later than 14 days after the Notice is given.

- 10.2 The Commission will aim to respond with the decision within 14 days of the deadline for representations elapsing. If the Commission are unable to respond within this timeframe the applicant will be informed of this and the reasons why.

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

10.4 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.

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

Appendix 1 Jersey Care Commission Registration Determination Framework

Application Part A – the provider application is used to determine whether the person or persons applying are fit to be registered as the provider.

Persons will:

- be of good character
- have the qualifications, skills, knowledge or experience necessary for providing the regulated activity
- not be unfit to be legally accountable as a registered person.

The regulations in Appendix 1 specify fitness criteria.

Information required	Reason	Expectation
Provider information		
Company type and registration numbers	To confirm that companies are registered in accordance with relevant legislation.	The company/organisation will be registered appropriately with the Jersey Financial Services Commission. Charitable organisations will be registered with the Jersey Charity Commissioner.
Applicant/partner information		
Main contact partner (Organisation only)	To identify a person who meets fitness criteria to whom formal notices and other correspondence should be addressed to.	The main contact partner will receive correspondence / formal notices and will cascade appropriately. Arrangements will be in place to ensure that correspondence or notices sent to the main contact partner can be received by and responded to in their absence.
Previous history as a registered person	To establish whether the person has previously been registered or held a business/financial interest in any registered care establishment, agency or service (whether in Jersey or in other	Any history as a Registered Person will be declared. Any other current or historic business or financial interest in any other registered care establishment, agency or service will be declared.

	jurisdictions) and if there has been any events/actions which may prevent the person from meeting fitness criteria.	There will be no factors that would call into question the fitness of the applicant.
Education/employment history	To cross reference information supplied regarding previous/current registration/business interests. To establish whether the person has relevant experience and knowledge. To identify and clarify any gaps in employment for their role.	Full employment and education history will be declared, which will show that the person has the relevant experience for their role. Information provided will match information linking the person to registration history, business/financial interests etc. Gaps in employment will be clarified.
Applicants who are health or social care professionals	To check with any relevant regulatory/professional body that the person is registered and establish whether there are any current orders/conditions/suspensions.	There will be no fitness to practice issues.
Medical fitness	To assess fitness for the role and for the legal responsibilities of the role.	A medical practitioner will confirm that the applicant is physically and mentally fit in respect of his/her ability to perform the role.
Criminal record disclosure	To assess fitness and suitability for the role.	The applicant will have disclosed any offences/convictions appearing on a criminal records check. An enhanced DBS certificate will relate to the relevant area – children and/or adults. The applicant will not be barred from working in the relevant area. The applicant will not have convictions or other factors which would call into question their fitness or deem them as unfit.

Business and financial standing	To assess fitness for the role	There will be no issues which would call into question the applicant's fitness or deem them as unfit, the applicant will not have been declared bankrupt.
References	To assess fitness and character for the role	The references provided will raise no issues about the applicant's fitness.
Documents requested		
Birth certificate	To verify identity	
Valid photo identification	To verify identity	
DBS Certificate	To demonstrate the person has not been barred or would be deemed unfit	
Statement of medical fitness	Assurance of medical fitness from a medical practitioner	
Curriculum Vitae	To establish appropriate experience and knowledge	
Plan of organisational structure	To demonstrate lines of professional and corporate accountability	
Financial reference	To establish financial standing	
Annual accounts	To demonstrate financial viability	
Annual reports (corporate bodies, subsidiary, holding company)	To detail activities carried out and performance of the body.	
Insurance certificate	To verify appropriate insurances in place.	
Business plan	To demonstrate future/ongoing business planning.	

Application Part B – the manager application is used to determine whether the person applying is fit to be registered as the manager who will:

- be of good character
- have the qualifications, skills, knowledge or experience necessary for managing the regulated activity
- not be unfit to be legally accountable as a registered manager.

The regulations in Appendix 1 specify fitness criteria.

Information required	Reason	Expectation
Previous history as a registered person	To establish whether the person has previously been registered or held a business/financial interest in any registered care establishment, agency or service (whether in Jersey or in other jurisdictions) and if there has been any events/actions which may prevent the person from meeting fitness criteria.	Any history as a Registered Person will be declared. Any other current or historic business or financial interest in any other registered care establishment, agency or service will be declared. There will be no factors that would call into question the fitness of the applicant.
Education/employment history	To establish whether the person has relevant experience and knowledge to be registered as a manager. To identify and clarify any gaps in employment for their role. To cross reference information supplied regarding previous/current registration/business interests.	Full employment and education history will be declared, which will show that the person has the relevant experience and qualifications for the role (See Appendix 2 for registered manager Qualification Requirements). Information provided will match information linking the person to registration history, business/financial interests. Gaps in employment will be clarified. Qualifications will be verified.
Applicants who are health or social care professionals	To check with any relevant regulatory/professional body that the person is registered and establish	There will be no fitness to practice issues.

	whether there are any current orders/conditions/suspensions.	
Medical fitness	To assess fitness for the role and for the legal responsibilities of the role.	A medical practitioner will confirm that the applicant is physically and mentally fit in respect of his/her ability to perform the role.
Criminal record disclosure	To assess fitness and suitability for the role.	The applicant will have disclosed any offences/convictions appearing on a criminal records check. An enhanced DBS certificate will relate to the relevant area – children and/or adults. The applicant will not be barred from working in the relevant area. The applicant will not have convictions or other factors which would call into question their fitness or deem them as unfit.
Business and financial standing	To assess fitness for the role	There will be no issues which would call into question the applicant's fitness or deem them as unfit.
References	To assess fitness and character for the role	The reference provided will raise no issues about the applicant's fitness.
Documents requested		
Birth certificate	To verify identity	
Valid photo identification	To verify identity	
DBS Certificate	To demonstrate the person has not been barred or would be deemed unfit	
Original professional, vocational or technical qualification certificates	To verify qualifications and professional status	
Statement of medical fitness	Assurance of medical fitness from a medical practitioner	

Evidence of professional indemnity insurance (If applicable)	Proof of appropriate insurance if required
--	--

Application Part C – the service application is used to determine whether the service is able to achieve its aims, objectives and meet regulatory standards and requirements.		
Information required	Reason	Expectation
Registration status	To establish whether the service is currently registered for any care purpose	Accurate information provided
Registration details	To establish conditions of registration in regards to: <ul style="list-style-type: none"> Types and categories of care the service provides. Capacity 	The information will be in keeping with the service Statement of Purpose. Conditions will be applied as appropriate.
Premises	To establish conditions of registration in regards to premises. To establish whether the premises meets regulatory standards and requirements.	The information will demonstrate that the service is able to achieve its aims and objectives set out in the Statement of Purpose, meet regulatory standards and requirements and provide the services set out in the application. Conditions will be applied as appropriate.
Consultation with other Regulators	To establish compliance with other Regulators – i.e. Environmental Health, Fire Service, Planning, Building Control	The premises will be compliant with other regulations.
Staffing	To establish that there are sufficient numbers of staff with the relevant	There will be sufficient numbers of staff with the relevant qualifications.

	<p>qualifications to meet the aims and objectives of the Statement of Purpose and conditions of registration. Rotas are reviewed to establish how staff are allocated, demonstrate consistency, typical hours worked and shift patterns</p>	<p>The rotas will show that there are sufficient staff allocated to promote consistency of care. Staff will not be working excessive hours.</p>
Fees	<p>To establish fees that are charged including additional charges.</p> <p>To establish whether a contract exists or funding in any form (other than LTCB) comes from the Government of Jersey.</p>	<p>This information will be consistent with public information regarding fees and charges.</p>
Documents requested		
Statement of Purpose	<p>The Statement of Purpose sets out what the service does, how it does it and who care is provided to. The service will be inspected against its statement of Purpose</p>	
Floor plans	<p>Floor plans will confirm the information supplied on the application</p>	
Fire certificate	<p>To confirm compliance with Fire Precautions (Jersey) Law 1977</p>	
Business licence	<p>To confirm compliance under the Control of Housing and Work (Jersey) Law 2012</p>	
Insurance certificate	<p>To confirm appropriate insurances in place</p>	
Building control completion certificate (if applicable)	<p>To confirm compliance with Building Bye Laws (Jersey) 2007 and Planning and Building (Jersey) Law 2002</p>	
Staff list	<p>As above</p>	
Staff duty rota	<p>As above</p>	
Proof of ownership/copy of tenancy/lease	<p>To confirm that the applicant has a legal right to use the premises for the purpose of providing the regulated service. Where the applicant is renting or leasing there will be a sufficient notice period.</p>	

Appendix 2 Registered Manager Qualifications

In 2013 the Care Quality Commission (CQC) provided supporting information and guidance regarding the qualifications and requirements for registered managers following recommendations made in the Winterbourne View Serious Case Review.

In this guidance, the CQC explain that in England, when applying to be a registered manager, applicants should hold or be working towards an appropriate qualification as advised by Skills for Care, which is an organisation who supports adult social care employers to deliver what the people they support need and what commissioners and regulators expect.

In 2019 Skills for Care issued Recommendations for CQC providers guide which advises that registered managers work towards the Level 5 Diploma in Leadership and Management for Adult Care.

The Children's Homes (England) Regulations 2015 require a registered manager to obtain the Level 5 Diploma in Leadership and Management for Residential Care or an equivalent qualification.

The Jersey Care Commission recognises that the titles of Level 5 Diploma's may change from time to time, so have written in the Care Standards that registered managers (services for children and adults) will have or must complete within 3 years a relevant (i.e. health and social care) Level 5 Diploma in Leadership (or equivalent).

The Commission will consider the advice of the CQC/Ofsted in relation to current and future registered manager qualification requirements and will accept the following qualifications (which were previously accepted) as equivalent to the current requirements:

- Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services
- Registered Managers Award
- NVQ Level 4 in Leadership and Management for Care Services

Registered managers who do not hold a relevant Level 5 diploma at the point of registration, must have a minimum of a relevant Level 3 diploma or a relevant professional qualification (i.e. social worker/nurse).

Registered managers who have a professional qualification or who have completed other qualifications may be able to map the content of their training/qualification against the current most relevant Level 5 Diploma as equivalence.

For example, below are current mandatory units for the Level 5 Diplomas (Management and Leadership for Adult Care and Leadership and Management for Residential Child Care):

The 11 Mandatory Units for a current (March 2019) Level 5 Diploma in Management and Leadership for Adult Care are:

- Leadership and management in adult care
- Governance and regulatory processes
- Communication and information management in adult care
- Relationships and partnership working

- Person centred practice for positive outcomes
- Professional development, supervision and performance management
- Safeguarding, protection and risk
- Managing self
- Decision making in adult care
- Service improvement, entrepreneurship and innovation

The 15 mandatory units for a current (March 2019) Level 5 Diploma in Leadership and Management for Residential Childcare are:

- Understand children and young people's development in residential childcare
- Understand support for children and young people who are vulnerable and disadvantaged
- Lead and manage a team within a residential childcare setting
- Lead practice to support the safeguarding and protection of children and young people in residential childcare
- Lead practice for communication and information management in residential childcare settings
- Manage risk in residential childcare
- Lead and manage group living in residential childcare
- Lead a service that can support children or young people who have experienced harm or abuse
- Lead practice to achieve positive outcomes for children and young people in residential childcare
- Implement a Positive Relationship Policy in residential childcare
- Lead practice to support the well-being and resilience of children and young people in residential childcare
- Lead practice in safe use of digital, internet and mobile technology with children and young people
- Undertake professional development in residential childcare settings
- Lead practice to promote the rights, diversity and equality of children and young people in residential childcare
- Lead networks and multi-agency work to benefit children and young people in residential childcare

When mapping existing qualifications against the relevant Level 5 Diploma, registered persons (the organisation) are expected to keep a record of the information they have considered to establish equivalence and address any shortfalls. The registered person (the organisation) is responsible for carrying out the evidenced mapping process.

The Commission will expect to see the individual's original certificate of completion and any learning outcomes achieved from any relevant module/unit or course.

The Commission will consider the information supplied regarding the equivalence of the registered manager's qualifications, taking advice where necessary to propose conditions of a manager's registration.