

COVID-19 – INFORMATION FOR PROVIDERS OF REGULATED ACTIVITIES

24 March 2020

In response to the current COVID-19 situation, the Government of Jersey has made some amendments to the regulations that relate to the Regulation of Care (Jersey) Law 2014.

The Regulation of Care (Standards and Requirements) Regulations 2018 have been reviewed and several amendments have been made. It is anticipated that these amendments will enable providers of regulated activities to respond to the challenges associated with maintaining service provision. These amendments will expire on 30 September 2020.

What has been amended?

Regulation 3 – Conditions on registration

Currently, in accordance with **Regulation 3**, each registered **care home, adult day care service and home care service** is subject to 'conditions' on registration. These were applied at the point of registration and have remained in force, unless a variation to the conditions has been approved by the Commission.

The amendment to this regulation means that the Commission will **suspend** the imposition of any relevant condition for a period of 3 months if the Commission determines, on the basis of information supplied by the registered provider, that it is proportionate and reasonable to do so.

The Commission must suspend conditions when the registered provider notifies the Commission of the conditions that the provider is unable to comply with. The registered provider must also confirm that they are unable to comply with conditions as a direct or indirect result of the outbreak of Covid-19 in Jersey.

The suspension of conditions will be for a period of 3 months. Should the registered provider require a further period of 3 months, they must notify the Commission and confirm that they are unable to comply with conditions as a direct or indirect result of the outbreak of Covid-19 in Jersey.

Click [here for a care home or day care service](#) and [here for a home care service](#) if you wish to notify the Commission of the suspension of condition(s) on registration.

Regulation 17 – Workers

Currently, in accordance with **Regulation 17**, there must be arrangements in place to ensure that there are sufficient numbers of workers in regulated activities who have been recruited safely and are suitably experienced, qualified, skilled and competent.

The application of Regulation 17 is modified when a registered person declares to the Commission that despite having put in place a plan to mitigate the effects of a shortage of workers as a direct or indirect result of the outbreak of Covid-19 in Jersey, they are still unable to comply with any relevant requirement. The registered person must demonstrate that they have made reasonable enquiries as to the fitness of any worker.

Please contact the Commission directly to discuss any issues impacting on your ability to meet the requirements of Regulation 17.

This modification lasts 3 months however the registered provider may follow the process again and, if the requirements are met, subsequent periods of 'disapplication' will apply.

Regulation 32 - Requirement for Commission to carry out certain inspections

Currently, in accordance with Regulation 32, the Commission must carry out an inspection of regulated activities at least once every 12 months.

This modification of this regulation means that the Commission need not comply with the requirement to carry out 12-monthly inspections of regulated activities if this is not possible due to the Covid-19 outbreak. In the event of the application of this modification being necessary, the Commission will notify the Chief Minister and an inspection must be carried out within 2 years of the last one.