

APPLICATION FOR VARIATION OR REMOVAL OF A CONDITION OF REGISTRATION

GUIDANCE

Registered providers must make an application and seek the Commission's approval to vary or remove conditions on registration. The following procedures must be followed in advance of any condition of registration being varied or removed.

Mandatory Conditions

In accordance with Article 11 of the Regulation of Care (Jersey) Law 2014 (the Law) and Regulation 3 of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018, there are several conditions that must be applied to the registration of providers of regulated activities (mandatory conditions). This means that providers must:

- Have in place a manager of the regulated activity
- Have an address in Jersey
- Provide the name of the location of each regulated activity
- Prepare and submit to the Commission a Statement of Purpose (namely a document that includes a description of services, including where and to whom they are provided, along with the provider's aims and objectives, ethos and intended outcomes)
- Provide care only to a stipulated category or categories of care receiver;
- Where the regulated activity is a care home service, to provide care only to a stipulated maximum number of care receivers at any one time – in terms of who may be accommodated in the home, and where both nursing care and personal care or personal support are provided, terms of who may be provided with nursing care and personal care or personal support;
- Where the regulated activity is a care home service, to provide care only –
(i) to a stipulated maximum number, or
(ii) to a stipulated category or categories, of care receiver at any one time who may be accommodated in particular rooms (which may vary depending on the type of care provided);
- Where the regulated activity is a home care service, to provide care only up to a stipulated maximum number of hours, and where both nursing care and social care are provided, to provide care only up to a stipulated maximum number of hours relating to each type of care that may be provided;
- Where the regulated activity is an adult day care service, to provide care only to a stipulated maximum number of care receivers at any one time –

- (i) in terms of who may be accommodated on the premises at any one time, and
- (ii) where both nursing care and social care are provided, in terms of for whom each type of care is provided;

- In relation to any regulated activity, to provide care only to care receivers of a stipulated age parameter;
- Conduct the regulated activity in accordance with the Statement of Purpose.

In the event of a service provider wishing to vary any of these conditions, an application must be made to the Commission on the prescribed form.

On receipt of the application, the Commission may seek further information or clarification and may need to undertake an inspection to determine the application.

Discretionary Conditions

The Law also allows the Commission to impose 'discretionary conditions' on the registration of a provider or manager of a regulated activity. These can include:

- a requirement that a registered manager must complete specified training or obtain a specified qualification;
- a requirement that alterations are made to any premises on which the regulated activity is to be carried on;
- the imposition of minimum requirements as to the numbers, qualifications and training of the workers used to deliver the regulated activity.

Discretionary conditions can be imposed indefinitely or until a specific date or may state that the action required by the condition is completed by a specified date or occurrence.

In the event of a service provider wishing to vary any of these conditions or to have any of them removed, an application must be made to the Commission on the prescribed form.

On receipt of the application, the Commission may seek further information or clarification and may need to undertake an inspection to determine the application.

The Commission will advise you in writing of the outcome of the application.

Any applications which are granted will be followed up with an amended certificate of registration. A fee of £30.75 is payable in respect of all variation applications.

If you need any clarification on this procedure, please contact the Commission on 01534 45801 or at enquiries@carecommission.je