



An Roinn Sláinte
Department of Health

Draft Regulations for Providers of Home Support Services

Public Consultation Document - June 2022

Please note: These draft Regulations are written in non-legal language to facilitate an understanding of what they are intended to achieve. When the Regulations come to be drafted formally, they will look quite different. Further, some material may be added or deleted as a result of drafting practice or because certain matters may be provided in the Bill that will reduce what must be provided in the Regulations.

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GENERAL

1. Introduction

The [Health (Amendment) (Licensing of Professional Home Support Providers) Bill] will regulate home-support services in Ireland. Specifically, it will establish a licensing system for providers of home-support services, under which it will be an offence to operate a service without a licence. It will also confer on HIQA the authority to grant, amend and ultimately revoke a licence if service providers fail to meet minimum requirements set out in this regulations document.

The purpose of the licensing system is to regulate services (public, private and not-for-profit) provided in the home that heretofore have not come under the scope of statutory regulation. The requirement to obtain a license falls centrally on providers of home-support services, variously called home help, personal assistants and community-based healthcare support assistants. Home-support includes assistance with personal hygiene, mobility, social engagement, and essential household tasks, where such support and assistance enable a person to live at home. As set out in these regulations, service-users are adults of age 18 or older, who by reason of illness, frailty or disability require a home-support service.

All organisations who provides a 'home-support service' as defined in Section 2 will be required to obtain a licence to operate.

The following exemptions apply:

- (a) services for persons less than 18 years of age
- (b) support provided in the context of a family or personal relationship
- (c) services that do not involve an exchange of payment
- (d) a paid employment relationship between an individual home support worker and one service-user
- (e) services provided exclusively by registered healthcare professionals

To support implementation of these regulations, providers should be familiar with two additional documents (these documents are currently under development). The first is a [guidance document], which will assist service providers with the license application process, compliance with regulations, inspection and conditions whereby a license could be revoked. The second document are [National Standards], developed by HIQA. These standards, while not mandatory in law, provide a set of high-level outcomes that describe how services can achieve safe, quality, person-centred care and support. Both regulations and standards aim to promote a responsive holistic approach whereby

individual physical, psychological, and social needs are addressed by home support services.

Regulation offers quality assurance to service-users that their service meets the same minimum standards wherever and however it is provided. While the focus of these regulations is on home support providers, it is acknowledged that regulatory requirements necessitate a collaborative, multi-agency, interdisciplinary approach to quality care that is person-centred and cognisant of the varied, often complex needs of service-users.

2. Definitions

(1) In these regulations –

“Abuse” means

- (a) any behaviour towards a service user that is a sexual offence,
- (b) ill-treatment (whether of a physical or psychological nature) of a service user,
- (c) theft, misuse or misappropriation of money or property belonging to a service user, or
- (d) neglect of a service user.

“Advocacy” means the practice of supporting someone to comprehend details of a situation, involve the service user in decision-making and the act of speaking on the behalf of or in support of another person.

“Commissioner of services” means the person or body designated by the Minister for Health, to determine the number of hours or days home support that a service provider is to provide a service user.

“Data protection law” means the provisions set out in the Data Protection Act 2018 and EU Regulation 2016/679 - the General Data Protection Regulation.

“Direct arrangement” means the provision of home-support by a service provider to a service user without the involvement of a third-party intermediary such as a commissioner of services.

“Enabling” means an approach to home support that optimises functional independence, health and wellbeing of a service-user and enhances a person’s capacity to live with illness, or disability.

“Family Carer” refers to a family member providing a significant level of support to another family member in their home where the second family member requires home support.

“Freedom of information law” means the provisions set out in the Freedom of Information Act 2014.

“Home” in relation to the provision of home support means a [permanent] dwelling of the service user that is not open to the general public to visit unless invited and where the person habitually resides: For the avoidance of doubt “home” does not include a designated centre as defined by section 2 of the Health Act 2007.

“Home-support” includes all forms of enabling personal care and [other] practical assistance provided [to] [for] an individual who by reason of illness, frailty or disability is in need of such care and assistance. This may include, but is not limited to:

- a. physical assistance with mobility, personal hygiene, nutrition, hydration and toileting or prompting or supervising such activities where a person is unable to perform them effectively without such prompting or supervision;
- b. prompting and supervising the taking of medication;
- c. assistance with Instrumental Activities of Daily Living (IADLs) where outside assistance is necessary to enable a person to engage in these activities;
- d. exercise and social engagement within and outside the home;
- e. care for the emotional welfare of the service user;
- f. personal assistance.

“Home support worker” means a person employed to deliver home support for a person.

“Instrumental Activities of Daily Living” (IADLs) means the skills and abilities needed to perform the day-to-day tasks associated with living independently in the community.

“Incident” means an event or circumstance which occurs during the delivery of home support which could have, or did, lead to unintended harm and includes, but is not limited to, near misses which could have led to unintended harm, but did not do so, whether by reason of chance or timely intervention and staff or service user complaints which are associated with harm

“Needs Assessment” means a comprehensive standardised assessment of the health, personal, psychological, physical, and social care needs of a person seeking home-support.

“Personal Assistance (PA)” means a package of support delivered to an adult to optimise his or her functional independence, health and well-being, occupational and social engagement.

“Person centred” refers to an approach that recognises that each service user has individual needs to which his or her home support requires to be tailored and which involves service users in decision making and, where practicable, respects the will and preferences of the service user

“Personal support plan” means a plan prepared in accordance with regulation 6;

“Personal protective equipment” (PPE) means any device or appliance designed to be worn or held by an individual for protection against one or more health and safety hazards. In an infection outbreak, hand sanitiser, gloves, aprons, long sleeved gowns, goggles, fluid-repellant surgical masks, face visors and respirator masks may be required.

“QQI” means Quality and Qualifications Ireland, the body established under the Qualifications and Quality Assurance (Education and Training) Act 2012.

“Reablement” refers to a time limited goal-orientated programme delivered by a health care team that aims to re-establish pre-morbid independence and daily living skills post illness and functional decline.

“Safeguarding” means protecting the service user from abuse.

“Service User” refers to a person of age 18 or older who by reason of illness, frailty or disability requires home support services.

“Service Provider” means a natural or legal person who provides, at a charge, home support services and is registered with the Office of the Chief Inspector and does not include a person providing such services who is not registered with the Office of the Chief Inspector.

“Specified person” means a person (who may be a family member) who receives information from, and conveys information to, a service provider and who may participate in the development of the service user’s personal support plan. This definition should be read alongside Schedule 6

“Supporting person” means [a decision-making assistant], a co-decision maker, a decision-making representative, or an attorney within the meaning of section 2 of the Assisted Decision Making (Capacity) Act 2015 or a nominated person, as appropriate. This definition should be read alongside Schedule 5.

“Telecare” refers to devices that have the main aim of supporting and enabling people to remain independent in their own homes by providing technologies to support the individual in various ways.

SERVICE-DELIVERY

3. Statement of Purpose

- (1) A service provider shall prepare a written statement of purpose relating to the services the provider is offering and the intended targeted service users.
- (2) The statement of purpose shall list any services that the service provider is offering that are set out in Schedule 1.
- (3) The statement of purpose shall be publicly accessible on the service providers website.
- (4) The statement of purpose shall be made available to a person requesting information from the service provider in hardcopy or electronic format.
- (5) The statement of purpose shall be worded, so far as is practicable, in plain language, in a clear, comprehensive and easily accessible way.
- (6) The service provider shall review its statement of purpose at intervals of not less than one year and revise it as necessary.
- (7) The service provider shall seek approval from the Regulator for any change to this, where applicable.

4. Principles of Service-Delivery

- (1) The service provider shall publish a charter of service delivery ("charter") setting out the quality of service and types of behaviours that a service user can expect in his or her interactions with the service user and the service provider's employees.
- (2) In preparing the charter, the service provider shall have regard to the person-centred approach and outcomes set out in HIQA quality standards and that are based upon four principles: human rights, safety and wellbeing, responsiveness, and accountability.

- (3) The charter of service delivery shall be published on the service provider's website and made available in hard copy to all services users and members of the public who request it.

5. Contract between Service-User and Service Provider

- (1) A contract between a service provider and a service user shall be in writing.
- (2) Before the service provider enters a contract with the service user for the provisions of home support, the service provider shall –
- (a) furnish the service user with –
 - (i) his or her statement of purpose;
 - (ii) his or her charter;
 - (iii) a draft of the proposed contract;
 - and
 - (b) establish the support needs of the service user.
- (3) Without prejudice to any other implied term, condition or warranty provided by law, a service provider shall not enter a contact with a service user unless the service provider is satisfied that he or she can provide the services required by the service user.
- (4) The contract shall be worded, so far as is practicable, in clear and plain language and furnished in hard copy and electronically.
- (5) The contract shall include details of
- (a) The contact details of the out-of-hours service and how to access it;
 - (b) numbers of hours of home support;
 - (c) arrangements for service delivery,
 - (d) the assistance and care that the home-support worker assigned shall provide ,
 - (e) circumstances in which the service may be terminated, including the terms upon which the home support may be temporarily suspended by the service-user,
 - (f) the respective responsibilities of the service-user and of the service provider in relation to health and safety,
 - (g) the rights and responsibilities of both parties and liability if there is a breach of the agreement or any damage occurring in the home,

- (h) arrangements for monitoring and reviewing the service-user's personal support plan
 - (i) details of the service provider's complaints procedure,
 - (j) arrangements to cover holidays and sickness,
 - (k) key-holding and other arrangements agreed for entering or leaving the home,
 - (l) fees payable for the service (if applicable) and how these fees are calculated
 - (m) the consequence of, and procedures appealable to, a failure to pay fees, if applicable.
- (6) The agreement shall be signed by the service provider and the service-user. Where it is not possible to obtain the signature of the service-user, the service provider shall record this fact, together with the reason.
- (7) The service provider shall retain the signed agreement and provide a copy to the service-user.
- (8) (a) Services may be cancelled at short notice only where the service is no longer required or where there is a significant [health and safety] risk to the service user and or home support worker.

(b) The service provider shall communicate with the service user and the commissioner of the service, if any, in connection with any proposed withdrawal of service.
- (9) A service provider shall provide 3 months' notice to the service-user, and the commissioner of service, if any, where the service provider proposes permanently to cancel a service which is provided under the contract or to increase the fee payable for a service.

6. Needs Assessment and Personal Support Plan

- (1) Before providing home support
 - (a) a service provider shall ensure that a comprehensive assessment of the home support needs of the service user is carried out by a health professional.
 - (b) a personal support plan shall be developed in consultation with the service-user [and a supporting person or specified person, if any].
- (2) The personal support plan should,

- (a) set out in detail the services (including telecare where applicable) that the service provider shall provide to meet the assessed home support needs of the service user.
 - (b) take into account any goals that the service user indicates he or she wishes to achieve, and any preferences indicated by the service user.
 - (c) so far as practicable, take an enablement approach.
- (3) The service provider shall provide a copy of the personal support plan to the service-user.
- (4) The service provider shall have a policy which outlines –
 - (a) how a needs assessment is carried out.
 - (b) the development of the personal support plan,
 - (c) indicators for review of the personal support plan and
 - (d) process for needs re-assessment
- (5) The service provider and service-user shall agree on times of attendance which shall be specified in the personal support plan.
- (6) Based on the personal support plan, the home-support worker shall complete and sign, in writing or electronically, a record of service-delivery at the end of every period worked.
- (7) Any deviations from the personal support plan should be documented.
- (8)
 - (a) A service provider shall have procedures in place to identify changes in the home support needs of the service-user which will trigger a need for a fresh assessment and shall notify the service user and the commissioner of the service, if any, when such a fresh assessment is required.
 - (b) Notwithstanding paragraph (a), a service provider shall ensure that a comprehensive assessment of the home support needs of the service user is carried out at least once a year by a health professional.
- (9) A copy of the personal support plan shall be maintained at the service-user's home and shall be accessible to the home support worker and health professionals involved in care.

7. Management of Records

- (1) The service provider shall have a data protection policy which should be made available to service users.

- (2) The service provider shall maintain records of the following -
 - a. relevant changes in the service-user's circumstances, health, physical condition or home support requirements,
 - b. details of any specified or supporting person and the function he or she fulfils,
 - c. contact details of the Public Health Nurse, General Practitioner and link practitioner (if relevant).
 - d. a record of all home support visits (written or electronic)
 - e. a record of any accident or injury to the service-user and/or home-support worker which occurred while a home support service was being provided.
 - f. any other information which would assist any future home-support worker or other healthcare professional to ensure consistency and continuity in the provision of care.
- (3) All records shall be legible, dated and signed.
- (4) The service provider shall ensure that the service-user has access his or her records in electronic or physical form, or both.
- (5) Records kept in a service-user's home should be accessible to the home support worker.
- (6) The service provider shall maintain the records required to enable another person or service provider to provide a safe and effective service to the service user if the contract between the service provider and the service user comes to an end.
- (7) Service providers shall keep a record of the matters specified in Schedule 4.
- (8) The preference of service-users on how the records are stored and maintained in their home should be respected so far as practicable.
- (9) Where a service user refuses to have records kept in their home, he or she will be requested to sign and date a statement confirming the refusal and this shall be kept by the service provider.
- (10) Written records shall be kept in the service-user's home until the home support service is concluded, after which time they shall be transferred to the custody of the service provider, and a copy provided to the service user.
- (11) In circumstances where the service provider deems it inappropriate for written records to be kept in a service-user's home, this shall be clearly recorded. Under these circumstances there shall be suitable arrangements in place to enable the home-support worker to complete the record immediately after the visit and for it to be available to the next home-support worker attending.

8. Service Provision

- (1) A service provider shall ensure, so far as is practicable, that the home-support worker attends a service-user's home at the times agreed in the personal support plan.
- (2)
 - (a) Changes may be made to the times of attendance of the home support worker provided the service user agrees and the changes do not impact upon the implementation of the personal support plan.
 - (b) The reasons for the changes in the time of attendance will be recorded in the personal support plan.
- (3)
 - (a) The service provider shall, so far as is reasonably practicable, promote continuity of home support by assigning the same home support worker to individual service-users.
 - (b) The service provider shall publish a policy outlining the circumstances in which an alternative home-support worker may be required to provide home support to the service-user.
 - (c) Where circumstances require that an alternative home support worker provide home support to a service user, the service provider shall, so far as is reasonably practicable, notify the service-user in advance.
- (4) The service provider shall have contingency plans in place in the event that a home-support worker does not attend at a service-user's home as agreed.

9. Medication Management Support

- (1) The service provider shall have a clear and up-to-date written policy on medication management support in the service-user's home.
- (2) The medication management support policy shall address:
 - a) Procedures for obtaining prescriptions and or for obtaining prescribed medicines.

- b) The role of the home support worker in supporting medication administration where physical assistance is required with handling of blister packed medications.
 - c) The role of the home support worker in promoting medication concordance where the service user requires prompting regarding the timing of medication and vigilance regarding medication missed doses or errors.
 - d) Safe handling and storage of medications.
 - e) Reporting of medication errors or near-misses.
- (3) A home support worker shall receive training on safe medication management support prior to being assigned responsibility for this task.
 - (4) The need for specific medication support requirements shall be set out in the personal support plan.
 - (5) Medication management support may only be performed with the signed informed consent of the service user or the supporting person.
- Any concerns in relation to medication management should be raised by the home support worker with the service-user and or their specified or supporting person and or relevant health professional and shall be brought to the attention of the service provider.
- (6) The service provider shall monitor adherence to the medication management support policy.

10. Safeguarding and Protection of the Service-User

- (1) The service provider shall have in place appropriate policies and procedures to ensure the security, safety and protection of the service user and the service user's home during the service delivery, including but not limited to:
 - (a) entering the home of the service user;
 - (b) how the key for entering the service user's home is to be collected or held;
 - (c) actions to be taken where the home support worker is unable to access the service user's home; and
 - (d) actions to be taken in the case of emergencies.
- (2) (a) The home support worker shall display his or her identity card when entering the service user's home.
- (b) In the case of a service user with additional communication requirements, the service provider shall ensure that there are clear and agreed ways in which a home support worker will identify him or herself to the service user.

- (3) (a) A service provider shall put in place procedures for monitoring and evaluating the risk of abuse of service users by a home support worker.
- (b) The service provider shall have in place an appropriate safeguarding policy which sets out the responsibilities of the home support worker.
- (c) The service provider shall ensure that the home support worker is aware of the safeguarding policy and is kept informed of any changes.
- (4) A service provider shall furnish the service user with a list of the contact details of organisations that provide advocacy and support services to service users.
- (5) Where a service provider is of the opinion that a service user may be being abused by a home support worker the service provider shall have a procedure for reporting this to the relevant health professionals and authorities in accordance with the service provider's safeguarding policy.
- (6) A service provider shall not be a named beneficiary of the service user's pension or other sources of finance.
- (7) Appropriate safeguard training shall be provided to a home support worker as part of their induction and refresher training.

STAFFING

11. Staffing

- (1) A service provider shall have sufficient numbers of qualified home support workers to meet the assessed needs of service users with whom the service provider has a contract.
- (2) The service provider shall ensure staff's attendance at a service-user's residence is recorded accurately and that the record is available for inspection if required.
- (3) The service provider shall not assign a worker to provide paid care to a member of their immediate family.
- (4) All home support workers should have the ability to communicate effectively with the service-user.
- (5) Home support workers should have completed the Garda vetting and international police clearance processes as appropriate.
- (6) The service provider shall provide each home-support worker with a tamper-proof identity card which includes a photograph, their name, a contact number, and date of issue and expiry.
- (7) The identity card referred to in paragraph (6) shall be renewed at least every 24 months and there shall be a formal arrangement for the withdrawal of the identity card from an employee when leaving the company.

12. Qualifications, Training and Development

- (1) The service provider shall ensure that home support workers are sufficiently competent, skilled and experienced commensurate with the duties to which they are assigned and the particular needs of the service-user to whom they are assigned.
- (2) The service provider shall ensure that all home support workers have successfully completed two QQI Level 5 core modules (or higher qualification) in health and social care or equivalent.
- (3) The service provider shall ensure, subject to paragraph (4), that all home support workers have successfully completed a full QQI Level 5 qualification (or higher

qualification) in health and social care or equivalent within 3 years of commencing employment as a home support worker.

- (4) Home support workers employed by a service provider on or before [1 January 2022], shall have a window of 5 years to obtain the full QQI level 5 award.
- (5) The service provider shall ensure that each worker receives appropriate induction training. The induction training shall meet requirements set out in Schedule 3.
- (6) Induction training of new home support workers shall be of a minimum of [20] hours' duration and include a minimum of [5] hours of training on the practical application of theory.
- (7) The home-support provider shall ensure that all home support workers who provide care to service-users with dementia have successfully completed a recognised education programme specific to dementia care.
- (8) The service provider shall maintain an up-to-date record of the qualifications, and training programmes of all staff and should be made available to the regulator on request.

13. Supervision of Staff

- (1) The home-support provider shall ensure that home-support workers shall receive the supervision and mentoring necessary to enable them to carry out the duties they are employed to perform.
- (2) The home-support provider shall ensure that inexperienced workers are supervised and shadowed for at least the first [20] hours of direct service-user contact prior to working alone with service-users for the first time.

CORPORATE GOVERNANCE

14. Management of the Service

- (1) The service provider shall have in place system and processes to ensure compliance with these regulations.
- (2) Without prejudice to the generality of sub-article (1), such system and process shall enable the service provider to –
 - (a) assess and monitor the quality and safety of the home support provided;
 - (b) assess, monitor and mitigate the risks relating to the health, safety and welfare of service users and others who may be at risk which arise from the provision of home support;
 - (c) maintain securely an accurate, complete and contemporaneous record in respect of each service user, including a record of the home support provided to the service user and of decisions taken in relation to the home support provided;
 - (d) maintain securely such other records as are necessary to be kept in relation to—
 - (i) persons employed in providing home support, and
 - (ii) the management of home support;
 - (e) seek and act on feedback from service users and other persons on the how support provided for the purposes of continually evaluating and improving home support.
- (3) The service provider shall ensure that there is a clearly defined management structure that identifies lines of authority and accountability, and specific roles and responsibilities.
- (4)
 - (a) The service provider shall inform the service user of the contact details of the manager responsible for the home support worker assigned to the service user.
 - (b) Where the service provider is providing services in more than one county, the service provider shall, in addition to the contact details referred to in (a), provide the service user with the contact details of the manager for the county.
- (5) The service provider shall ensure those employed in management positions are sufficiently skilled, experienced and competent to adequately carry out their assigned roles.

- (6) All required certificates and licences shall be displayed on the service providers website and shall be made available on request to service-users and to the regulator.
- (7) For providers not insured by the State Claims Agency, insurance cover including public liability, shall be held to limits commensurate with the level and extent of activities undertaken by the home-support provider, for employer's liability, public and third-party liabilities, business interruption costs, including loss of earnings and costs to providers of meeting liabilities.

15. Reporting Data to Regulator

- (1) The service provider shall produce a report on an annual basis that shall be submitted to the regulator (or government agency on request) no later than March 1st. Information on the preceding year shall include:
 - (a) data on staff numbers and grades, recruitment and retention
 - (b) number of service-users,
 - (c) number of hours of home-support provided to service-users
 - (d) qualitative data on service provision, including service user feedback
 - (e) number of complaints received and the status of those complaints
 - (f) a quality assurance review

16. Financial Procedures

- (1) The service provider shall provide a written itemised invoice in respect of fees owed and a written receipt of fees paid (where applicable).
- (2) The service provider shall keep records of the amounts paid for all agreed services (where applicable) as specified in the signed agreement between the home support provider and service-user.
- (3) The service provider shall not increase the fees to be charged more than once in any 12-month period.
- (4) At least 3 months before the date from which a new fee is to have effect, a notice in writing shall be served by the service provider to the service-user and or specified or supporting person (where applicable) stating the amount of the new fee and the date from which it is to have effect.

CORPORATE OVERSIGHT

17. Policies and Procedures

- (1) The service provider shall adopt and implement written policies and procedures as required by these regulations [and listed in Schedule 2].
- (2) The policies and procedures shall be dated, and their implementation monitored, as part of the home-support provider's quality assurance process, as set out in Section 21.
- (3) The service provider shall review policies and procedures at least every 3 years and update more frequently if required, in accordance with changes in legislation, national standards, or as advised by the regulator.

18. Complaints Procedure

- (1) A service provider shall publish and furnish to the service user a hard or electronic copy of the procedures, whichever the service user prefers, that a service user may use to make a complaint to the service provider.
- (2) The service provider shall facilitate a service-user in making a complaint including, but not limited to,
 - (a) providing the service user with access to appropriate interpretation and methods of communication as required. In order to meet this obligation, the service provider shall have made enquires as to whether a service user has any interpretation or communication needs and, if the service user has such needs, the service provider shall ascertain from a specified or supporting person, if any, a family member, if any, or a health care professional who has attended the service user, if any, or some other person who has communicated with the service user, what the appropriate interpretation or communication methods are effective;
 - (b) having regard to any matters raised with the service provider by the specified or supporting person, if any, a family member, medical practitioner who has attended the service user or a member of an organisation that provides support services to service user whom the service user has consulted.

- (3) The service provider shall investigate every complaint received from a service user and shall address any failure identified by the complaint or investigation.
- (4) The service provider shall keep a record of –
 - (a) every complaint that is made by a service user; and
 - (b) the investigation of the complaintfor inspection by the Authority.
- (5) Complaints in connection with a matter which a reasonable person would consider might pose a risk to the health or safety of the service-user shall be reported immediately to the Commissioner of Services and to the Authority.
- (6) The service provider shall have a system in place to analyse complaints, to ensure that lessons are learnt from patterns of complaints made and the quality of the service is improved.

19. Infection, Prevention and Control

- (1) The service provider shall have an infection prevention and control policy in place in line with national guidance.
- (2) Each home support worker will be trained on infection prevention and control policies and procedures to include hand hygiene and the safe donning, doffing and disposal of personal protective equipment.
- (3) The service provider shall maintain adequate supplies of appropriate personal protective equipment to meet the circumstances of the service user.
- (4) The service provider shall have a plan in place for the management of its service in the event of an infectious disease outbreak.

20. Health and Safety

- (1) The service provider shall ensure that each home support worker has appropriate training in
 - a. Moving and handling,
 - b. Basic first aid and life-support,

- c. Falls prevention,
 - d. Food safety.
 - e. Safeguarding and abuse
 - f. Fire safety
- (2) The service provider shall ensure that an incident is recorded within [24 hours] of the occurrence and is notified to the Authority and the commissioner of services within three working days.
 - (3) Prior to the commencement of the home support service, the service provider shall ensure a home environmental risk assessment is undertaken.
 - (4) In the event of urgent provision of service, the service provider shall ensure that a home environmental risk assessment is undertaken within seven days of the service commencing.
 - (5) The service provider shall record the outcome of the risk assessment and shall review as required.
 - (6) The service provider shall ensure that there are systems and processes in place to ensure that urgent communications and safety alerts are conveyed to relevant staff in a timely manner.

21. Governance, Management and Quality Assurance

- (1) The service provider shall establish procedures for quality assurance for the purposes of establishing and maintaining the quality of services provided.
- (2) The service provider shall establish a system for continuous quality-improvement which shall be underpinned by relevant HIQA national standards.
- (3) The home-support provider shall keep a record of all quality initiatives, including audits, for inspection by the regulator.
- (4) The service provider shall have a process in place for consulting with service-users within 3 months of commencing a service and at least annually thereafter.
- (5) The service provider shall have risk management policies and procedures in place which enable the effective identification of risks to the service provision, including escalating risks, and shall ensure that he or she is able effectively to respond to identified risks.
- (6) The service provider shall ensure that there is a business continuity plan that can be activated to maintain essential services.

SCHEDULES

Schedule 1 – Statement of Purpose

The Statement of Purpose shall contain up-to-date information on the organisation, setting out the aims, objectives, philosophy of care and parameters of the services provided, including terms and conditions, and should also include the following information:

- (a) the aims and objectives of the home-support provider,
- (b) the services provided by the home-support provider,
- (c) the organisational structure of the service
- (d) the arrangements in place to deliver a safe and quality service.
- (e) the operational policy for the home-support provider, which includes:
 - the arrangements in place to ensure the fitness of care staff,
 - the skills and competencies of the staff employed to manage the service
 - the staffing arrangements,
 - i. referral arrangements, including the service-users' guide,
 - ii. the arrangements for safeguarding and promoting the health and well-being of service-users,
 - iii. the arrangements for the training and development of staff,
 - iv. the arrangements for the management and control of the home-support provider,
 - v. the accounting and financial control arrangements for the home-support provider,
 - vi. the insurance arrangements,
 - vii. the arrangements for the keeping of documents and records,
 - viii. the arrangements for the notification of reportable events,
 - ix. the arrangements for dealing with complaints and the steps for publicising these arrangements,
 - x. the arrangements for the management of medicines in the service-user's home,
 - xi. the policies and procedures listed in Schedule 2.

Schedule 2 – Policies and Procedures

The following list is not exhaustive but includes key areas which should be covered:

- (1) Communication
- (2) Complaints
- (3) Consent
- (4) Data Protection
- (5) Dementia
- (6) Falls Prevention
- (7) Fluids and Hydration
- (8) Fire Safety Management
- (9) Food and Nutrition
- (10) Health and Safety
- (11) Infection, Prevention and Control
- (12) Lone Workers
- (13) Medication Administration Support (where applicable),
- (14) Moving and Handling (including Hoist)
- (15) Person Centred Enablement
- (16) Pressure Sore Prevention (Skin Care)
- (17) Record Management and Retention
- (18) Response to Emergencies
- (19) Responsive Behaviour Management (Behaviour that challenges)
- (20) Risk management
- (21) Safeguarding Vulnerable Adults (from Abuse)
- (22) Staff Recruitment
- (23) Staff Training and Development
- (24) Security of the home
- (25) Service Withdrawal

Schedule 3 – Induction Training

The following should be included in Induction Training. The list is not exhaustive and education and training should be tailored to meet the needs of the individual service-user.

- (1) Introduction to the home-support provider's staff handbook,
- (2) Policies and procedures of the home-support provider as set out in Schedule 2,
- (3) Description of services provided and not provided,
- (4) The ageing process and chronic health conditions,
- (5) Disability awareness inclusive of physical, sensory and intellectual impairments,
- (6) Assistance with personal care using a person-centred enablement approach,
- (7) Management of service-users' medicines,
- (8) Communication and listening skills,
- (9) Service-user privacy, dignity and confidentiality,
- (10) Protection of vulnerable adults' protocols and reporting procedures,
- (11) Protection and welfare of children: Children First
- (12) Moving and handling,
- (13) Complaints procedures,
- (14) Safe working practices including protection of service-users, security in the home, protocol for entering the service-user's home and use of identity card,
- (15) Emergency procedures and incident reporting,
- (16) Basic personal and food hygiene,
- (17) First-aid and basic life support,
- (18) Infection control procedures,
- (19) Handling service-user's' money and property,
- (20) Complaints procedure,
- (21) Staff supervision protocol,
- (22) Quality assurance arrangements.
- (23) Data protection policies.

Schedule 4 – Records

The following records should be kept and made available for inspection

- a sample of planned and actual staff rota
- a sample of staff files (including details of staff qualifications, records of training undertaken)
- staff disciplinary issues
- allegations made against staff members
- records of complaints
- findings from any reviews undertaken

Schedule 5 – Supporting Person

1. In these regulations, a reference to a service user includes a reference to a supporting person and the functions conferred upon him or her by law where the service user is making a decision in connection with the home support services of which he or she wishes to avail, or is availing, as part of his or her personal welfare.
2. Where in these regulations, reference is made to a service user communicating with or being provided with a document or copy document, the communication or document or copy document provided shall also be addressed and provided to a supporting person, if any, of the service user.
3. Where in these regulations, reference is made to a service user doing any act or thing, the doing of any act or thing by a supporting person shall be deemed to be the act or thing of the service user in so far as the doing of the act or thing is within the functions conferred upon the supporting person with reference to the service user.

Schedule 6 – Specified Person

1. The service user may nominate a specified person, who may be a family member, to receive information and to convey information to and from the service provider in relation to the home support.
2. A service provider who receives information from, and conveys information to, a specified person shall be deemed to have received the information from, and to have provided the information to, the service user.
3. Where the service user has nominated a specified person, the specified person may, at the invitation of the service user, accompany the service user at a meeting with the service provider.
4. Where a specified person accompanies the service user at a meeting with a service provider, the service provider shall be deemed authorised to process any personal data (including special category personal data) discussed at the meeting, whether provided by the service user or the specified person.