



**Health
Information
and Quality
Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

Regulation of
Health and Social
Care Services

Regulation 14: Person in Charge of a Designated Centre for Disability

April 2021

**Guidance on Regulation 14 – Person in Charge, Health Act
2007 (Care and Support of Residents in Designated Centres
for Persons (Children and Adults) with Disabilities)**

Safer Better Care

About the Health Information and Quality Authority (HIQA)

The Health Information and Quality Authority (HIQA) is an independent statutory authority established to promote safety and quality in the provision of health and social care services for the benefit of the health and welfare of the public.

HIQA's mandate to date extends across a wide range of public, private and voluntary sector services. Reporting to the Minister for Health and engaging with the Minister for Children, Equality, Disability, Integration and Youth, HIQA has responsibility for the following:

- **Setting standards for health and social care services** — Developing person-centred standards and guidance, based on evidence and international best practice, for health and social care services in Ireland.
- **Regulating social care services** — The Chief Inspector within HIQA is responsible for registering and inspecting residential services for older people and people with a disability, and children's special care units.
- **Regulating health services** — Regulating medical exposure to ionising radiation.
- **Monitoring services** — Monitoring the safety and quality of health services and children's social services, and investigating as necessary serious concerns about the health and welfare of people who use these services.
- **Health technology assessment** — Evaluating the clinical and cost-effectiveness of health programmes, policies, medicines, medical equipment, diagnostic and surgical techniques, health promotion and protection activities, and providing advice to enable the best use of resources and the best outcomes for people who use our health service.
- **Health information** — Advising on the efficient and secure collection and sharing of health information, setting standards, evaluating information resources and publishing information on the delivery and performance of Ireland's health and social care services.
- **National Care Experience Programme** — Carrying out national service-user experience surveys across a range of health services, in conjunction with the Department of Health and the HSE.

1. Guidance Purpose

This guidance is intended to give clarity to intended/registered providers and person in charge on Regulation 14 – Person in Charge.

2. Introduction

The Chief Inspector's role is to assess and monitor compliance with Regulation 14, ensuring that the registered provider of the Designated Centre has met the legal requirements of this regulation.

Regulation 14(1) of the *Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013* (the "Regulations") requires that the provider *appoint a person in charge of a designated centre*.

This means that there must be at all times a person in charge of the designated centre, who has been appointed as the person in charge of the centre. Neither the Health Act 2007 as amended, nor the Regulations allow for an 'acting person in charge'. It is important that any staff who are providing cover (for absences for more than 28 days) for the person in charge are aware that while they may be the acting service manager, they are fulfilling the role of the person in charge.

Regulation 14 places responsibility on the provider to ensure that the person in charge has the qualifications appropriate to fulfil the post of person in charge. The person in charge should also have the relevant skills and experience to enable them to effectively manage the service having regard to the size of the centre, the statement of purpose, the number of residents and the assessed needs of these residents.

3. Regulation 14

Regulation 14(2) of the Regulations states:

"The post of person in charge shall be full time and shall require the qualifications, skills and experience necessary to manage the designated centre having regard to the size of the designated centre, the statement of purpose and the number and needs of the residents".

A full time post should be in line with the usual full time hours of staff working within the designated centre even when the post is shared by a number of post-holders, such as people job sharing.

Some designated centres operate on a part time basis, such as for a specific number of days each week. In such circumstances, the post of person in charge will be considered full time for the days of operation. The working time and allocated hours of the person in charge should meet the requirements of the service as described in the Statement of Purpose. These working arrangements will be determined by the registered provider in line with the regulations.

The assessment of compliance with Regulation 14 will include an assessment of the effectiveness of the supporting governance, operational management and administrative arrangements to ensure that the needs of residents are being met and those residents are safe and have a good quality of life in the centre.

3.1 Requirements as and from 1 November 2016

Regulation 14 (3) of The Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 states:

"A person who is appointed as person in charge on or after the day which is 3 years after the day these regulations come into operation shall have –

- (a) a minimum of 3 years in a management or supervisory role in the area of health or social care; and*
- (b) an appropriate qualification in health or social care management at an appropriate level"*

From commencement (1 November 2013) the registered provider is responsible for ensuring that there is a person in charge of the designated centre who has the appropriate qualifications, skills and experience to manage the designated centre.

However, from **1 November 2016** there was an additional requirement.

It is the responsibility of the registered provider to ensure that all persons in charge **appointed** on or after **1 November 2016** have a minimum of 3 years' experience in a management or supervisory role in the area of health or social care and have an appropriate qualification in health or social care management at an appropriate level.

3.2 Person in Charge of more than one designated centre

Regulation 14 (4) of The Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 states:

"A person may be appointed as person in charge of more than one designated centre if the chief inspector is satisfied that he or she can ensure the effective governance, operational management and administration of the designated centre concerned".

This means that where the registered provider proposes such an arrangement, the Chief Inspector must be satisfied about the effectiveness of the governance, operational management and administrative arrangements to ensure the sustained delivery of a quality and safe service for residents.

In considering this proposed arrangement, inspectors will be mindful of the size of the designated centre, the statement of purpose, the number of residents, their assessed needs and the geographical location of the centres.

Where a person in charge is responsible for more than one designated centre there should be a clear statement, setting out this arrangement, included in each of the statements of purpose for the designated centres the person in charge is responsible for.

This statement should state that the PIC is employed on a full time basis and if they are responsible for more than one centre this should state the total number of centres they are responsible for *and* clearly state how much of the WTE is allocated to each particular designated centre.

3.3 Schedule 2 Information and documents

Regulation 14 (5) of The Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 states:

"The registered provider shall ensure that he or she has obtained, in respect of the person in charge, the information and documents specified in Schedule 2".

It is the responsibility of the registered provider to ensure that, in line with Schedule 2 of the regulations, all the required information and documentation with regard to the person in charge are in place.

4. References

The Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) 2013

Health Information and Quality Authority (January 2013). National Standards for Residential Services for Children and Adults with Disabilities.



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