

Regulation of
Health and Social
Care Services

Assessment judgment framework for special care units

April 2018

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About the Health Information and Quality Authority

The Health Information and Quality Authority (HIQA) is an independent authority established to drive high-quality and safe care for people using our health and social care services in Ireland. HIQA's role is to develop standards, inspect and review health and social care services and support informed decisions on how services are delivered.

HIQA aims to safeguard people and improve the safety and quality of health and social care services across its full range of functions.

HIQA's mandate to date extends across a specified range of public, private and voluntary sector services. Reporting to the Minister for Health and engaging with the Minister for Children and Youth Affairs, HIQA has statutory responsibility for:

- **Setting Standards for Health and Social Services** — Developing person-centred standards, based on evidence and best international practice, for health and social care services in Ireland.
- **Regulation** — Registering and inspecting designated centres.
- **Monitoring Children's Services** — Monitoring and inspecting children's social services.
- **Monitoring Healthcare Safety and Quality** — Monitoring the safety and quality of health services and investigating as necessary serious concerns about the health and welfare of people who use these services.
- **Health Technology Assessment** — Providing advice that enables the best outcome for people who use our health service and the best use of resources by evaluating the clinical effectiveness and cost-effectiveness of drugs, equipment, diagnostic techniques and health promotion and protection activities.
- **Health Information** — Advising on the efficient and secure collection and sharing of health information, setting standards, evaluating information resources and publishing information about the delivery and performance of Ireland's health and social care services.

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Introduction

HIQA has adopted a common 'Authority Monitoring Approach' (AMA) in order to carry out its functions as required by the Health Act 2007.

All HIQA staff involved in the regulation and or the monitoring of services against regulations and standards adhere to this approach and to any associated procedures and protocols. HIQA's monitoring approach does not replace the professional judgment of its staff. Instead, it provides staff with a range of procedures, protocols and tools to assist them in carrying out their functions. This combined assessment judgment framework is one of these tools.

Applying AMA and using this assessment judgment framework will ensure that each registered provider is treated fairly and the assessment of compliance is timely, consistent and responsive to risk identified within the designated centre. It also provides transparency to providers and the public on how HIQA assesses and makes judgments of compliance and non-compliance.

The application of AMA does not replace or take away from the registered providers' responsibility to ensure that they are in compliance with the regulations, and provide safe and high-quality services for people who use their services.

The purpose of this assessment judgment framework is to support inspectors in gathering evidence when monitoring or assessing a designated centre and to make judgments on compliance. The framework sets out the lines of inquiry to be explored by inspectors in order to assess compliance with the standards and or regulations being monitored or assessed. It also outlines the compliance descriptors of:

- **Compliant:** a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.

- **Substantially compliant:** a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.

- **Not compliant:** a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.

The assessment judgment framework should be applied in conjunction with the following:

- Health Act 2007 (as amended)
- Health Act 2007 (Registration of Designated Centres) (Special Care Units) Regulations 2017
- Health Act 2007 (Care and Welfare of Children in Special Care Units) Regulations 2017
- National Standards for Special Care Units November 2014
- Guidance for the assessment of special care centres HIQA's monitoring approach policy, procedures and guidance.

The assessment judgment framework is organised into two sections, called dimensions:

- 1. Capacity and capability.**
- 2. Quality and safety.**

Under each of these dimensions, the regulations and standards¹ are organised for ease of reporting.

¹ The standards are aligned to one regulation only, as a 'best fit' simply for the purpose of reporting. This does not negate the provider's responsibility to meet these standards.

Figure 1: themes in the National Standards for Special Care Units



Section 1 Capacity and capability

This section focuses on the overall delivery of the service and how the provider determines whether an effective and safe service is being provided.

It includes how the provider:

- makes sure there are effective governance structures in place with clear lines of accountability so that all members of the workforce are aware of their responsibilities and who they are accountable to
- ensures that the necessary resources are in place to support the effective delivery of quality care and support to children using the service
- designs and implements policies and procedures that will make sure the unit runs effectively.

Dimensions: capacity and capability	
Regulation	Regulation 5: statement of purpose
Standard	Standard 5.3 The special care unit has a publicly available statement of purpose that accurately and clearly describes the services provided.
Line of inquiry	Responsibilities of the provider: 1. Has the registered provider prepared, in writing, a statement of purpose relating to the special care unit concerned containing the

	<p>information set out in Schedule 1?</p> <ol style="list-style-type: none"> 2. Has the registered provider reviewed and revised the statement of purpose at intervals of no less than one year? 3. Has the registered provider notified the Chief Inspector in writing before changes are made to the statement of purpose which affect the purpose of the special care unit? 4. Has the registered provider put in place appropriate procedures to ensure that the person in charge is provided with a copy of the statement of purpose if such person is not the registered provider? 5. Has the registered provider put in place appropriate procedures to ensure that a child detained in the special care unit is provided with an age-appropriate copy of the statement of purpose? 6. Has the registered provider put in place appropriate procedures to ensure that parents or guardian(s) of children detained in the special care unit are provided with a copy of the statement of purpose?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply.</p> <p>Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 6: care practices, operational policies and procedures
Standard	<p>Standard 2.1 Each child is placed in special care, in accordance with his other identified needs and subject to the relevant legal authority.</p> <p>Standard 2.4 Children are actively supported in the transfer to and or from from special care and all transitions occur in a timely manner with a discharge plan in place to assure continuity of care.</p>
Line of inquiry	Responsibilities of the provider:

	<ol style="list-style-type: none"> 1. Has the registered provider promoted and protected the life, health, safety, development and welfare of each child who is detained in the special care unit? 2. Has the provider ensured that the special care unit has care practices, operational policies and procedures in place to include, but not be limited to, the matters set out in Schedule 2 of the regulations, which are available in writing and implemented in practice? 3. Has the provider ensured that the special care unit has care practices, operational policies and procedures in place, having regard to the number and nature of the needs of the children detained in the special care unit, to include, but not be limited to, the matters set out in Schedule 2 of the regulations which are reviewed and updated: <ul style="list-style-type: none"> ▪ in accordance with best practice ▪ when required by the Chief Inspector ▪ at least every three years ▪ when there has been a change in the statement of purpose ▪ having due regard to any recommendations made by the Chief Inspector? 4. Has the registered provider ensured that any care practices, operational policies and procedures take account of any guidelines issued by the Child and Family Agency and any standards prepared by HIQA? 5. Has the registered provider ensured that: <ul style="list-style-type: none"> ▪ the person in charge has appropriate procedures in place to ensure that a child is aware of the care practices and operational policies of the special care unit ▪ information provided is accessible and, age appropriate ▪ each child is assisted and supported to develop the knowledge, self awareness, understanding and skills needed for self care and protection? <p>Responsibilities of the person in charge: Has the person in charge implemented the care practices, operational policies and procedures required and in so doing, promoted and protected the life, health, safety, development and welfare of each child?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the</p>

	<p>inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>
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Dimensions: capacity and capability	
Regulation	Regulation 13: person in charge

<p>Line of inquiry</p>	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that there is a person in charge of the special care unit? 2. Has the registered provider ensured that where the person in charge is the person in charge of more than one special care unit, he or she is engaged in the effective governance, operational management and administration of the special care units concerned? 3. Has the registered provider ensured that the post of the person in charge is full time? 4. Has the registered provider ensured that the person in charge has the qualifications, skills and experience necessary to manage the special care unit, having regard to the size of the special care unit, the statement of purpose, and the number and needs of the children detained in the special care unit? 5. Has the person who is appointed as person in charge on or after the day which is three years after these regulations come into operation have: <ol style="list-style-type: none"> a. a minimum of three years experience in a management or supervisory role in the area of health or social care and b. an appropriate qualification in the management of health or social care services? 6. Has the registered provider ensured that he or she has obtained, in respect of the person in charge, the information and documents specified in Part A of Schedule 3?
<p>Judgment</p>	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 14: staff members and others working in the special care unit
Standard	<p>Standard 7.1 Safe and effective recruitment practices are in place to recruit staff.</p> <p>Standard 7.2 Staff have the required competencies to manage and deliver child-centred, effective and safe services to children.</p>
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that the number, qualifications, experience, suitability and availability of staff members in the special care unit are appropriate having regard to the number and assessed needs of the children detained, the statement of purpose and the size and layout of the the unit? 2. Has the registered provider ensured that the children receive continuity of care and support, particularly in circumstances where staff are employed on a less than full-time basis?

	<p>3. Persons shall not be employed or work in the unit as an intern, trainee, or a person on a vocational training placement unless and until the registered provider is:</p> <ol style="list-style-type: none"> a. satisfied that the person is suitable to work in the special care unit b. has obtained, in respect of that person, the records and documents specified in Schedule 3. <p>4. Has the registered provider ensured there are appropriate numbers of staff members present in the special care unit at all times to supervise each child detained in accordance with the requirements of registration of the special care unit?</p> <p>5. Has the registered provider maintained as appropriate the records specified in Schedule 3, in relation to each staff member in the special care unit and each person working as an intern, a trainee or a person on a placement as part of a vocational training course?</p> <p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge ensured that each person working as an intern, a trainee, or on vocational placement is supernumerary and is thus additional to staffing requirements? 2. Where the person in charge has delegated all or some of his or her duties under these regulations to appropriately-qualified staff members, a written report of when and to whom this has taken place is maintained.
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 15: training and staff development
Standard	Standard 7.4 Training is provided to staff to improve the outcomes for children.
Line of inquiry	<p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge ensured that each staff member in the special care unit and each person working as an intern, a trainee or a person on a placement as part of a vocational training course, has access to appropriate training, including refresher training? This training should be part of a continuous professional development programme to enable staff to provide care in accordance with evidence based practice, the statement of purpose and policies and procedures. Staff should be informed of the provisions of Acts of the Oireachtas and all regulations, standards and guidelines made thereunder, dealing with the care, welfare and protection of children detained in a special care unit. 2. Has the person in charge ensured that a copy of relevant Acts of the Oireachtas and any regulations, standards and guidelines made thereunder, are available to all staff members in the special care unit, and to all persons working in the unit as an intern, trainee or a

	<p>person on a placement as part of a vocational training course?</p> <p>3. Has the person in charge maintained a record of any professional development courses or training undertaken by staff members employed in the special care unit?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 16: staff supervision and support
Standard	Standard 7.3 Staff are supported and supervised to carry out their duties and promote and protect the care and welfare of children.
Line of Inquiry	Responsibilities of the person in charge: Has the person in charge ensured that an appropriate level of professional supervision and support is provided to staff members in the special care unit?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must</p>

	<p>comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>
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Dimensions: capacity and capability	
Regulation	Regulation 19: care record
Standard	Standard 2.5 Special care units have a care record for each child
Line of inquiry	<p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge established and maintained a care record in respect of each child detained in the special care unit? 2. Has the person in charge ensured that care records include the information as set out in Schedule 5.? 3. Where a child is discharged from the special care unit or where a child is to be transferred to another special care unit, has the person in charge forwarded the child's original care record to the designated social work department of the Child and Family Agency?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 20: maintenance of records
Standard	Standard 8.2 Information governance arrangements ensure secure record-keeping and file-management systems are in place to deliver a child-centred, safe and effective service.
Line of inquiry	<p>Responsibilities of the provider: Has the registered provider ensured that the record or document provided for under these regulations are:</p> <ol style="list-style-type: none"> a. kept in the special care unit? b. available for inspection by the Chief Inspector? c. kept secure, safe and accessible? d. retained in perpetuity other than inspection reports? e. transferred to the Child and Family Agency (Tusla) if the special care unit ceases to operate? <p>Responsibilities of the person in charge: Has the person in charge ensured that the records set out in Schedule 6 are maintained?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimension: capacity and capability

Regulation	Regulation 21: register of children detained in the special care unit
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider established and maintained a register of children detained in the special care unit? 2. Does the register of children detained in the special care unit include the information set out under Regulation 21 and include any change in the particulars related to each child?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 22: record of a person employed in the special care

	unit
Line of inquiry	<p>Responsibilities of the person in charge: Has the person in charge ensured that there is a record, as set out in Part B of Schedule 3, kept in a secure, safe and accessible place, for each staff member employed in the special care unit ?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation. Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk. Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 23: insurance

Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider effected a contract of insurance against injury to a child detained in the special care unit? 2. Has the registered provider ensured that the contract of insurance is available on request to the Chief Inspector? 3. Is the registered provider satisfied that any professional or other service has adequate insurance against the risk of injury to a child detained in the unit and, where appropriate, maintained a minimum level of professional indemnity insurance as required by their professional body?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 24: governance and management
Standard	Standard 3.4 Incidents are managed and reviewed in a timely manner and outcomes

	<p>inform practice at all levels.</p> <p>Standard 5.1 The special care unit performs its functions as outlined in relevant legislation, regulations, national policies and standards to protect each child and promote their welfare.</p> <p>Standard 5.2 The special care unit has effective leadership, governance and management arrangements in place with clear lines of accountability</p> <p>Standard 5.4 Appropriate service level agreements, contracts and or other similar arrangements are in place with the funding body or bodies.</p> <p>Standard 6.1 The use of available resources is planned and managed to provide child-centred, effective and safe services to children</p> <p>Standard 8.1 Information is used to plan and deliver a child-centred, safe and effective service.</p>
<p>Line of inquiry</p>	<p>Responsibilities of the provider:</p> <p>Has the registered provider ensured that:</p> <ol style="list-style-type: none"> 1. The special care unit has sufficient resources to ensure the effective delivery of special care in accordance with the statement of purpose? 2. There is a clearly defined management structure that identifies the lines of authority and accountability, specific roles, and details responsibilities for areas of special care provision? 3. Management systems are in place to ensure that the service provided is safe, appropriate, consistent and effectively monitored? 4. There is an annual review to assess the quality and safety of special care provided in the special care unit and to confirm that such special care is in accordance with the interim special care orders or the special care orders generally and the child’s special care programme? 5. A copy of the annual review is made available, on request, to the Chief Inspector? 6. Effective arrangements are in place to facilitate persons employed in the special care unit to raise concerns about the quality and safety of the special care provided generally or the special care provided to any specific child detained in the special care unit? 7. An unannounced visit to the unit has taken place at least once every six months or more frequently if determined by the Chief Inspector and has: <ol style="list-style-type: none"> a. prepared a written report on the safety and quality of care

	<p>and support provided in the special care unit and put a plan in place to address any concerns regarding the standard of care, and</p> <p>b. maintained a copy of the report and made it available on request to children placed in the unit, their parents/guardians and the chief inspector?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: Capacity and Capability	
Regulation	Regulation 27: notification of incidents
Line of inquiry	<p>PrResponsibilities of the provider: Has the registered provider given the Chief Inspector notice in writing within three working days of any investigation regarding the alleged misconduct of the person in charge?</p> <p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge given notice in writing within three working days of the occurrence of an incident as set out in Regulation 27 (1) (a) to (i)? 2. Has the person in charge ensured that, when the cause of a death has been established, the Chief Inspector was informed of that cause in writing? 3. Has the person in charge provided a written report to the Chief Inspector at the end of each quarter in relation to the occurrence of an incident set out in Regulation 27 (3) (a) to (f)? 4. Has the person in charge kept a record of an incident referred to in paragraph 27 (1) as part of the child's care record? 5. Has the person in charge kept a record of incidents notified to the Chief Inspector in accordance with paragraph 27 (1) and any report made to the Chief Inspector in accordance with paragraph 27 (3)?

	<p>6. Has the person in charge, as soon as possible, notified a child's allocated social worker where any of the incidents referred to in Regulation 27 (6) (a) to (i) occurred in relation to a child?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 28: notification of procedures, arrangements and periods when the person in charge is absent from the special care unit
Line of inquiry	Responsibilities of the provider:

	<ol style="list-style-type: none"> 1. Where the person in charge of the special care unit proposes to be absent from the special care unit for a continuous period of 28 days or more, has the registered provider given notice in writing to the Chief Inspector of the proposed absence? 2. Except in the case of emergency, was the notice of the absence of the person in charge given no later than one month before the proposed absence commenced or within such shorter period as was agreed with the Chief Inspector specifying: <ol style="list-style-type: none"> a. the length or expected length of absence b. the date of departure and expected return? 3. Where the person in charge was absent as the result of an emergency, did the registered provider, as soon as it became apparent that the absence concerned would be for a period of 28 days or more, give notice of the absence in writing to the Chief Inspector? 4. Where the registered provider gave notice of the absence of the person in charge from the special care unit did it specify: <ol style="list-style-type: none"> a. the arrangements for the running of the special care unit centre during that absence? b. the arrangements made for appointing another person in charge to manage the special care unit during that absence, including the proposed date by which the appointment would be made? c. the name, contact details and qualifications of the person who covered or was responsible for the special care unit during that absence? 5. Where this occurred, did the registered provider notify the Chief Inspector of the return to duty of the person in charge not later than three working days after the date of his or her return?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: capacity and capability	
Regulation	Regulation 29: complaints
Standard	Standard 1.7 Each child's complaints and concerns are listened to and acted upon in a timely, supportive and effective manner.

<p>Line of inquiry</p>	<p>Responsibilities of the provider: Has the registered provider:</p> <ul style="list-style-type: none"> a. provided an age appropriate complaints procedure which includes an appeals procedure? b. made each child and his or her parents or guardians aware of the complaints procedure? c. displayed a copy of the complaints procedure prominently in the special care unit? d. investigated all complaints promptly? e. ensured that the person in charge maintains a record of all complaints in accordance with Schedule 4? f. informed the complainant, and the parents/guardians, social worker as appropriate, promptly of the outcome of their complaint and the appeals process? <p>Responsibilities of the person in charge: Has the person in charge kept a record of complaints in the care record of the child concerned?</p>
<p>Judgment</p>	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Section 2 Quality and safety

The focus of this section is about the lived experience of the people using the service.

This includes how people:

- make choices and are actively involved in shaping the services they receive
- are empowered to exercise their rights, achieve their personal goals, hopes, and aspirations
- receive effective person-centred care and support, at all stages of their lives
- are able to live in a safe, comfortable and homely environment
- have food and drink that is nutritious
- are protected from any harm or abuse.

Dimensions: quality and safety	
Regulation	Regulation 7 : programme of care

Standard	Standard 2.2 Each child has a programme of special care which details their needs and outlines the supports required to maximise their personal development.
Line of inquiry	<p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge consulted with the social worker allocated by the Child and Family Agency to inform himself or herself of the special care to be provided to the child? 2. Has the person in charge ensured that following consultation with the social worker, a programme of special care for the child has been prepared and is being implemented? 3. Has the person in charge ensured that a programme of special care for each child includes, but is not limited to, details of all required interventions in accordance with the child's: <ul style="list-style-type: none"> ▪ care plan ▪ placement plan ▪ placement support plan ▪ education plan ▪ therapeutic plan ▪ psychiatric treatment and intervention plan and ▪ is kept as part of a child's care record?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 8: healthcare
Standard	<p>Standard 4.1 The health and development of each child is promoted.</p> <p>Standard 4.2 Each child receives an assessment and is given appropriate support to meet any identified need.</p>
Line of inquiry	<p>Responsibilities of the provider: Has the registered provider ensured that adequate arrangements are in place for access by a child to a health screening assessment, general practitioner and psychological services and for the child's referral to medical, psychiatric, dental, ophthalmic or other specialist services in accordance with the child's needs?</p> <p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge, included in the child's care record, details of: <ol style="list-style-type: none"> a. any referrals made or services provided? b. any medication administered to a child, whether or not it was prescribed by a registered medical practitioner? 2. Has the person in charge ensured that: <ol style="list-style-type: none"> a. where a pharmacist provides a record of medication-related interventions in respect of a child, this record is kept in a safe and accessible place in the special care unit? b. all medicinal products dispensed or supplied to a child are stored securely? c. all medicinal products are administered to the child concerned in accordance with the directions of the prescriber and in accordance with any advice provided by the medical professional regarding the appropriate use of the product? d. a medicinal product which is out of date or has been dispensed to a child but is no longer required by that child, shall be stored in a secure manner, segregated from other medicinal products and disposed of in accordance with national legislation or guidance in a manner that shall not cause danger to public health or risk to the environment, and shall ensure that the product concerned can no longer be used as a medicinal product?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This</p>

	<p>finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>
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Dimensions: quality and safety	
Regulation	Regulation 9: education, individual needs, religion, ethnicity, culture and language
Standard	<p>Standard 1.1 The rights and diversity of each child are respected and promoted.</p> <p>Standard 1.2 The privacy and dignity of each child are respected.</p> <p>Standard 1.3 Each child exercises choice and experiences effective care as part of a programme of special care.</p> <p>Standard 1.4 Each child has access to information, provided in an accessible format that takes account of their communication needs.</p> <p>Standard 1.5 Each child participates in decision-making, has access to an advocate, and consent is obtained in accordance with legislation and current best-practice guidelines.</p> <p>Standard 4.3 Educational opportunities are provided to each child to maximise their individual strengths and abilities.</p>
Line of nquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that adequate arrangements are in place for access by each child to educational facilities, educational supports and services appropriate to the assessed needs for that child? 2. Has the registered provider ensured that children approaching school-leaving age are supported, in conjunction with their social worker and in accordance with the programme of care or aftercare plan, to achieve their training and educational potential as appropriate to their preferences and abilities in so far as is reasonably practicable? 3. Has the registered provider given due regard to the individual needs, ethnic and cultural identity of the child and that of their parents or guardian, and the language mainly spoken by the child and their parents or guardian? 4. Has the registered provider ensured that a child is facilitated, in so far as is reasonably practical, in the practice of his or her religion? 5. Has the registered provider ensured that each child, in accordance with his or her wishes, can participate in and contributes to decisions about his or her care and support, can exercise appropriate choice and control in their daily life, can exercise their

	<p>civil and legal rights and have access to advocacy services and information about their rights?</p> <p>6. Has the registered provider ensured that each child’s privacy and dignity is respected, including but not limited to, his or her personal and living space, personal communications, professional consultations and personal information?</p> <p>7. Has the registered provider ensured that each child has appropriate access to a telephone and appropriate media, such as television, newspapers, and the Internet, in accordance with the relevant policies set out in Schedule 2?</p> <p>8. Has the registered provider ensured that each child has, in so far as is reasonably practicable, opportunities to participate in activities in accordance with their interests and developmental needs and opportunities to develop life skills in preparation for adulthood?</p> <p>9. Has the registered provider ensured that children are prepared to leave care, where appropriate, in accordance with the child’s care plan or aftercare plan?</p> <p>Responsibilities of the person in charge:</p> <p>1. Has the person in charge retained a record of the educational progress of a child as part of the child’s care record?</p> <p>2. Has the person in charge retained a record of the manner in which a child’s religious practice is facilitated as part of the child’s care record?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 10: family contact and visiting arrangements
Standard	<p>Standard 1.6 Each child develops and maintains positive attachments and links with family, the community and other significant people.</p>
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that appropriate arrangements are in place to facilitate access to, visiting of, and contact with a child detained in the special care unit in accordance with the interim special care order or the special care order? 2. Has the registered provider ensured that the special care unit provides appropriate facilities to enable visits to be held in private, as appropriate and in accordance with Regulation 10 (1)? <p>Responsibilities of the person in charge: Has the person in charge managed all contacts and visits to a child in accordance with any direction issued by the court, the interim special care order or the special care order and retained a record in the child's care record of all contacts and visits to a child?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation. Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk. Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 11: positive behavioural support
Standard	<p>Standard 3.2 Each child experiences care that supports positive behaviour and emotional wellbeing.</p> <p>Standard 3.3 Children are not subjected to any restrictive procedure unless there is evidence that it has been assessed as being required due to a serious risk to the safety and welfare of the child or that of others.</p>
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that the care practices, operational policies and procedures, developed in accordance with

Regulation 6 and relating to positive behavioural support:

- a. prohibit corporal punishment or any other form of physical aggressions?
- b. prohibit deprivation of food and drink?
- c. prohibit treatment that could reasonably be expected to be detrimental to physical, psychological or emotional wellbeing?
- d. prohibit treatment that is cruel, inhumane or degrading?
- e. provide that restraint may only be used on a child detained in a special care unit where the risks of not restraining the child are greater than the risks of restraining him or her? Restraint may only be used for the purpose of preventing injury to the child or any other person or to prevent serious damage to property where the damage to such property could cause a risk of injury to the child or any other person.
- f. provide in respect of the use of single separation that, unless and for so long as it is necessary to protect the child or any other person from risk of injury, or to protect property from serious damage, a child shall not be confined to his or her own room or area in a special care unit other than his or her usual bedroom during usual bedtime hours or deliberately separated from other children detained in the special care unit, with a view to preventing contact with other children?

2. Has the registered provider ensured that where restrictive procedures, including restraint or single separation are used, they are only carried out in accordance with relevant national policy and methods recognised and approved by the Child and Family Agency and, at all times, having due regard to the care and welfare of a child concerned?

3. Has the registered provider ensured that each person employed in the special care unit has up-to-date knowledge and skills to:

- a. identify underlying causes of behavior?
- b. assist and support a child to manage his or her behaviour?

Responsibilities of the person in charge:

1. Has the person in charge ensured that staff members employed in the special care unit have up-to-date knowledge and skills, appropriate to their role, to respond to behaviour that is challenging and to support a child detained in the special care unit to manage his or her behaviour?

2. Has person in charge ensured that:

- a. every effort is made to identify and alleviate the cause of a child's behaviour?

	<ul style="list-style-type: none"> b. all alternative procedures are considered before a restrictive procedure is used? c. the least restrictive procedure for the shortest duration necessary is used? <p>3. Has the person in charge ensured that staff members in the special care unit have received training in the management of behaviour that is challenging including the use of restraint, single separation and de-escalation techniques, and that only approved techniques are used in accordance with the child’s individual crisis management plan?</p> <p>4. Has the person in charge retained a record of any instructions made in relation to behavioural supports provided to a child in accordance with this regulation, the reasons for such instructions and the nature and duration of any action taken or sanction imposed on a child, and included such records in the child’s care record?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 12: protection
Standard	Standard 3.1 Each child is safeguarded from abuse and neglect and their protection and welfare is promoted.
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that each child placed in the special care unit is assisted and supported to develop the knowledge, self awareness, understanding and skills needed for self care and protection? 2. Has the registered provider protected all children placed in the special care unit from all forms of abuse? 3. Has the registered provider ensured that where there has been an incident, allegation or suspicion of abuse or neglect in relation to a child, the requirements of national guidance for the protection and welfare of children and all relevant statutory obligations are complied with? <p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge initiated and put in place an investigation in relation to any incident, allegation or suspicion of abuse and taken appropriate action where a child is harmed or suffers abuse in the care of the special care unit? 2. Has the person in charge ensured that all staff members have received training in relation to safeguarding children and in the prevention, detection and response to abuse? 3. Has the person in charge ensured that parents and guardians were informed of any incident, allegation, suspicion or investigation of abuse or neglect in accordance with the communication policy as set out in Schedule 2? 4. Has the person in charge ensured that a record of any incident, allegation, suspicion or investigation of abuse or neglect in relation to a child is contained within the child’s care record?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or</p>

	<p>person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>
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Dimensions: quality and safety	
Regulation	Regulation 17: accomodation
Standard	Standard 2.3 The special care unit is homely and promotes the welfare, dignity and safety of each child, consistent with the provision of safety and security.
Line of inquiry	<p>Responsibilities of the provider: Has the registered provider provided adequate and suitable accommodation, having regard to the number of children detained in the special care unit and the nature of the needs of each child, and has, in particular, ensured that:</p> <ul style="list-style-type: none"> a. each child is provided with his or her own bedroom? b. children are provided with adequate communal space? c. adequate and suitable furnishings are provided throughout the special care unit? d. a sufficient number of toilets are available? e. a sufficient number of wash basins, baths and showers are available and are supplied with hot and cold running water and which ensure privacy? f. adequate laundry facilities are available? g. the premises are adequately lit, heated and ventilated? h. the premises are clean, appropriately decorated and maintained in good structural condition? i. adequate indoor and outdoor recreational facilities are available which are safe for use and appropriately maintained?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 18: food, nutrition and cooking facilities
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that the special care unit has: <ol style="list-style-type: none"> a. suitable and sufficient cooking facilities, kitchen equipment and tableware? b. proper facilities for the refrigeration, storage, preparation, cooking and serving of food? c. a high standard of hygiene in relation to the storage and preparation of food and the disposal of refuse? <p>Responsibilities of the person in charge:</p> <ol style="list-style-type: none"> 1. Has the person in charge ensured that each child: <ol style="list-style-type: none"> a. has access to a safe supply of fresh drinking water at all times? b. is offered an element of choice at mealtimes? c. is provided with adequate quantities of food and drink which: <ul style="list-style-type: none"> ▪ are properly and safely prepared ▪ are wholesome and nutritious ▪ take account of any special dietary requirements? 2. Has the person in charge provided meals, refreshments and snacks at all reasonable times?
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 25: risk management
Line of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider ensured that there is a risk management policy in place and that it is implemented? 2. Has the registered provider ensured that the risk management policy includes: <ol style="list-style-type: none"> a. the ongoing identification and assessment of risks throughout the special care unit? b. the measures and actions in place to control the risks identified? c. the measures and actions in place to control the following risks: <ul style="list-style-type: none"> ▪ child abuse ▪ situations where a child may be removed or absconds from the special care unit ▪ accidental injury to a child ▪ aggression and violence from or towards a child ▪ self-harm? d. arrangements for the identification, recording, investigation and learning from incidents involving children detained in the special care unit? e. accidental injury to a staff member, an intern, a trainee or a person on a placement as part of a vocational training course in the special care unit? f. aggression and violence toward a staff member, an intern, a trainee or a person on a placement as part of a vocational training course in the special care unit? 3. Has the registered provider ensured that there is a plan in to respond to an interruption to services, damage to property or any incident likely to cause death or injury? 4. Has the registered provider taken all reasonable measures to prevent accidents in the special care unit and on its grounds? 5. Has the registered provider ensured that adequate arrangements are in place to guard against the risk of injury occurring on the premises particularly with regard to: <ol style="list-style-type: none"> a. the structure and fabric of the special care unit?

	<ul style="list-style-type: none"> b. stairways? c. electrical and gas appliances and fittings? d. windows and doors? e. glazing? f. storage of medicines? g. cleaning products and other potentially dangerous materials? <p>6. Has the registered provider ensured that adequate arrangements are in place for the reporting of an accidental injury occurring in a special care unit, to a child, a staff member, an intern, trainee, a person on a placement as part of a vocational training course or a visitor?</p> <p>7. Has the registered provider ensured that all vehicles used to transport children and staff members, where they are provided by the registered provider, are roadworthy, regularly serviced, insured and driven by persons who are legally licensed to drive the vehicle?</p> <p>Responsibilities of the person in charge: Has the person in charge kept a report of an accident or an injury to a child detained in the special care unit in the child’s care record?</p>
Judgment	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>

Dimensions: quality and safety	
Regulation	Regulation 26: fire precautions
Standard	
Line of inquiry	<p>Provider responsibilities:</p> <ol style="list-style-type: none"> 1. Has the registered provider: <ol style="list-style-type: none"> a. taken adequate precautions against the risk of fire, and provided suitable fire fighting equipment, suitable building services, and suitable bedding and furnishing? b. provided adequate means of escape, including emergency lighting? c. made adequate arrangements for: <ul style="list-style-type: none"> ▪ the prevention of fire ▪ the detection, containment and extinguishment of fires ▪ the provision of fire warnings ▪ calling the fire service ▪ the evacuation, where necessary in the event of fire, of all persons in the special care unit and the safe placement of children ▪ the maintainance of all fire equipment, means of escape, building fabric and building services ▪ the review of fire precautions and testing fire equipment at suitable intervals? d. made arrangements for staff members interns, trainees and persons on placements as part of vocational training course to recieve suitable training in fire prevention and emergency procedures, building layout and escape routes, location of fire alarm call points, first aid, fire fighting equipment, fire control techniques and the procedures to be followed should the clothes of a child catch fire and arrangements for the evacuation of children and calling the fire service and assisting the fire brigade? e. ensured, by means of fire safety management and fire drills at suitable intervals, that the staff members, interns, trainees and persons on placements as part of vocational training course and, in so far as is reasonably practicable, children, are aware of the procedure to be followed in the case of fire including the procedure for saving lives? <p>Responsibilities of the person in charge: Has the person in charge ensured that the procedures to be followed in the event of fire are displayed in a prominent place(s) in the special care unit?</p>

<p>Judgment</p>	<p>Compliant: a judgment of compliant means the provider and or the person in charge is in full compliance with the relevant regulation.</p> <p>Substantially compliant: a judgment of substantially compliant means that the provider or person in charge has generally met the requirements of the regulation but some action is required to be fully compliant. This finding will have a risk rating of yellow which is low risk.</p> <p>Not compliant: a judgment of not compliant means the provider or person in charge has not complied with a regulation and considerable action is required to come into compliance. Continued non-compliance or where the non-compliance poses a significant risk to the safety, health and welfare of residents using the service will be risk rated red (high risk) and the inspector will identify the date by which the provider must comply. Where the non-compliance does not pose a risk to the safety, health and welfare of residents using the service it is risk rated orange (moderate risk) and the provider must take action within a reasonable timeframe to come into compliance.</p>
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Appendix 1 — Registration regulations

Regulation 4	Application for registration or renewal of registration
<p>Line of inquiry</p>	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. In addition to the requirements set out in section 48(2) of the Act of 2007, has the provider submitted the following documentation with the application for the registration or the renewal of registration of a special care unit: <ol style="list-style-type: none"> a. the information and documents set out in Schedule 3 in respect of: <ul style="list-style-type: none"> ▪ the person who is the registered provider, or intended registered provider, and ▪ the person in charge or to be in charge of the special care unit and any other person who participates, or will participate, in the management of the special care unit? b. a certificate in writing from a competent person verifying compliance? c. with the special care unit’s fire safety policy, such policy having regard to, but not being limited by, those matters outlined in Schedule 4 to these Regulations? 2. Notwithstanding the requirements of paragraph (2), in the case of an application for the renewal of registration, has the provider submitted a declaration in the format prescribed by the Chief Inspector where there have been no changes to the information that is currently published on the register?
<p>Judgment</p>	<p>Compliant: The requirements of the regulations were submitted by the provider. Not compliant: The requirements of the regulations were not submitted by the provider.</p>

Regulation 6	Changes to information supplied for registration purposes
Lines of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider, as soon as is practicable: <ol style="list-style-type: none"> a. given notice in writing to the Chief Inspector of any intended change in the identity of the person in charge of a special care unit? b. supplied full and accurate information as set out in paragraph 5 of Schedule 2 and paragraph 3 of Schedule 3 in respect of the new person proposed to be in charge of the special care unit? 2. Notwithstanding paragraph 1 of this regulation, has the registered provider in any event: <ol style="list-style-type: none"> a. notified the Chief Inspector in writing, within 10 days of this occurring, where the person in charge of a special care unit has ceased to be in charge? b. supplied full and satisfactory information, within 10 days of the appointment of a new person in charge of the designated centre, in regard to the matters set out in Schedule 2? 3. Has the registered provider notified the Chief Inspector in writing of any change in the identity of any person participating in the management of a special care unit (other than the person in charge of the unit) within 28 days of the change, and supplied full and satisfactory information as set out in Schedules 2 and 3 for any new person participating in the management of the designated centre? 4. Has the registered provider given no less than eight weeks' notice in writing to the Chief Inspector where: <ol style="list-style-type: none"> a. in the case of a registered provider which is a body corporate (whether a company or other corporate body), there will be any change to: <ul style="list-style-type: none"> ▪ the ownership of the body, ▪ the identity of its director, manager, secretary, chief executive or any similar officer of the body, or

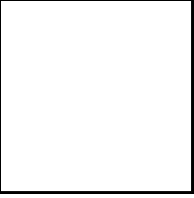
	<ul style="list-style-type: none"> ▪ the name or address of the body? <p>b. in the case of a registered provider which is a partnership, there will be any change in the membership of the partnership?</p> <p>c. in the case of a registered provider which is an unincorporated body, there will be any change to the committee of management or other controlling authority of the body?</p> <p>5. Has the registered provider also supplied full and satisfactory information set out in Schedules 2 and 3 in respect of any new person proposed to be registered as a person carrying on the business of the special care unit under subparagraph (a), (b) or (c) above?</p>
Judgment	<p>Compliant: The requirements of the regulations were submitted by the provider.</p> <p>Not compliant: The requirements of the regulations were not submitted by the provider.</p>

Regulation 7	Applications by registered providers for the variation or removal of conditions of registration
Lines of inquiry	<p>Responsibilities of the provider:</p> <p>Has the registered provider provided the Chief Inspector with any additional information the Chief Inspector reasonably requires in considering the application under Section 52?</p>
Judgment	<p>Compliant: The requirements of the regulations were submitted by the provider.</p> <p>Not compliant: The requirements of the regulations were not submitted by the provider.</p>

Regulation 8	Annual fee payable by a registered provider of a special care unit
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Lines of inquiry	<p>Responsibilities of the provider:</p> <ol style="list-style-type: none"> 1. Has the registered provider paid the annual fee of €183 in respect of each child who is detained in the special care unit in accordance with the statement entered in the register under Regulation 3? 2. Has the registered provider paid the annual fee in three equal instalments on 1 January, 1 May and 1 September each year in respect of each four month period immediately following those dates and each instalment is payable no later than the last day of the calendar month in which the instalment falls due.
Judgment	<p>Compliant: The requirements of the regulations were submitted by the provider.</p> <p>Not compliant: The requirements of the regulations were not submitted by the provider.</p>

Regulation 10	Notice to be given by a registered provider of a special care unit of intention to cease to carry on its business and close the special care unit
Lines of inquiry	<p>Responsibilities of the provider:</p> <p>Has the registered provider provided the Chief Inspector with no less than six months' notice of intention to cease carrying on the business of the special care unit and to close the special care unit?</p>
Judgment	<p>Compliant: The requirements of the regulations were submitted by the provider.</p> <p>Not compliant: The requirements of the regulations were not submitted by the provider.</p>



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Regulation Directorate
Health Information and Quality Authority (HIQA)
Unit 1301, City Gate,
Mahon,
Cork,
T12 Y2XT