



Jersey

# **COVID-19 (REGULATION OF CARE – STANDARDS AND REQUIREMENTS) (JERSEY) REGULATIONS 2020**

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Jersey

## COVID-19 (REGULATION OF CARE – STANDARDS AND REQUIREMENTS) (JERSEY) REGULATIONS 2020

*Made*

*25th November 2020*

*Coming into force*

*26th November 2020*

**THE STATES** make these Regulations under Article 2 of the Covid-19 (Enabling Provisions) (Jersey) Law 2020<sup>1</sup> –

### **1 Amendment of Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018**

These Regulations amend the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018<sup>2</sup>.

### **2 Regulation 3A inserted**

After Regulation 3 there is inserted –

#### **“3A Modification of application of Regulation 3 due to outbreak of Covid-19**

- (1) Paragraph (2) applies if –
  - (a) a registered provider is unable to comply with any of the relevant conditions of the provider’s registration imposed under Regulation 3 as a direct or indirect result of an outbreak of Covid-19 in Jersey or its aftermath; and
  - (b) the registered provider notifies the Commission of the conditions that the provider is unable to comply with.
- (2) Where this paragraph applies, the Commission must suspend the imposition of any relevant condition in relation to that registered provider for a period of one month if the Commission determines, on the basis of information supplied by the registered provider, that it is proportionate and reasonable to do so.
- (3) Paragraph (2) also applies if, at the end of that and any subsequent one-month period, paragraph (1)(a) continues to apply and the registered provider again notifies the Commission as required by paragraph (1)(b).

- (4) In this Regulation “relevant conditions” means the conditions set out in Regulation 3(1)(d) to (j).
- (5) Nothing in this Regulation applies to a registered provider to the extent that the regulated activity concerned includes provision of care to a child.”.

### 3 Regulation 17A inserted

After Regulation 17 there is inserted –

#### “17A Modification of application of Regulation 17 due to outbreak of Covid-19

- (1) Paragraph (2) applies if –
  - (a) a registered person has put in place a plan to mitigate the effects of a shortage of persons who are suitably qualified, skilled, competent and experienced for the duties to which they are assigned as a direct or indirect result of an outbreak of Covid-19 in Jersey or its aftermath; and
  - (b) the registered person has reasonable grounds for declaring to the Commission that, due to that outbreak, the registered person is nevertheless still unable to comply with any relevant requirement.
- (2) Where this paragraph applies, any relevant requirements that the registered person is unable to comply with do not apply to the registered person for a period of one month.
- (3) Paragraph (2) also applies if at the end of that or any subsequent one-month period, the registered person again satisfies the conditions set out in paragraph (1).
- (4) In this Regulation “relevant requirements” means the requirements set out in Regulation 17(1)(a), (3) and (4).
- (5) Nothing in this Regulation applies to a registered person to the extent that the regulated activity concerned includes provision of care to a child.”.

### 4 Regulation 32 (requirement for Commission to carry out certain inspections) amended

After Regulation 32(2) there is inserted –

- “(3) Paragraph (4) applies where the Commission believes that there are serious risks to care receivers due to a lack of suitably qualified workers resulting directly or indirectly from an outbreak of Covid-19 in Jersey or its aftermath.
- (4) Where this paragraph applies the Commission must as soon as reasonably practicable report its concerns about the standard or quality of care being provided, to the Minister and to the Minister for Health and Social Services and make written recommendations as to the steps that should be taken to address the serious risks to care receivers.

- (5) The Commission must publish the recommendations and the fact that it has reported its concerns to the Ministers.”.

## **5 Regulation 34A inserted**

After Article 34 there is inserted –

### **“34A Expiry of Regulations 3A, 17A and 32(3) to (5)**

Regulations 3A, 17A and 32(3) to (5) expire on 30th April 2021.”.

## **6 Citation and commencement**

These Regulations may be cited as the Covid-19 (Regulation of Care – Standards and Requirements) (Jersey) Regulations 2020 and come into force on the day after they are made.

**ENDNOTES**

**Table of Endnote Reference**

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| <i>1</i> | <i>L.2/2020</i>          |
| <i>2</i> | <i>chapter 20.820.65</i> |