

Statutory Notifications

**Guidance for registered providers and persons in
charge of designated centres for children and adults
with disabilities**

November 2013

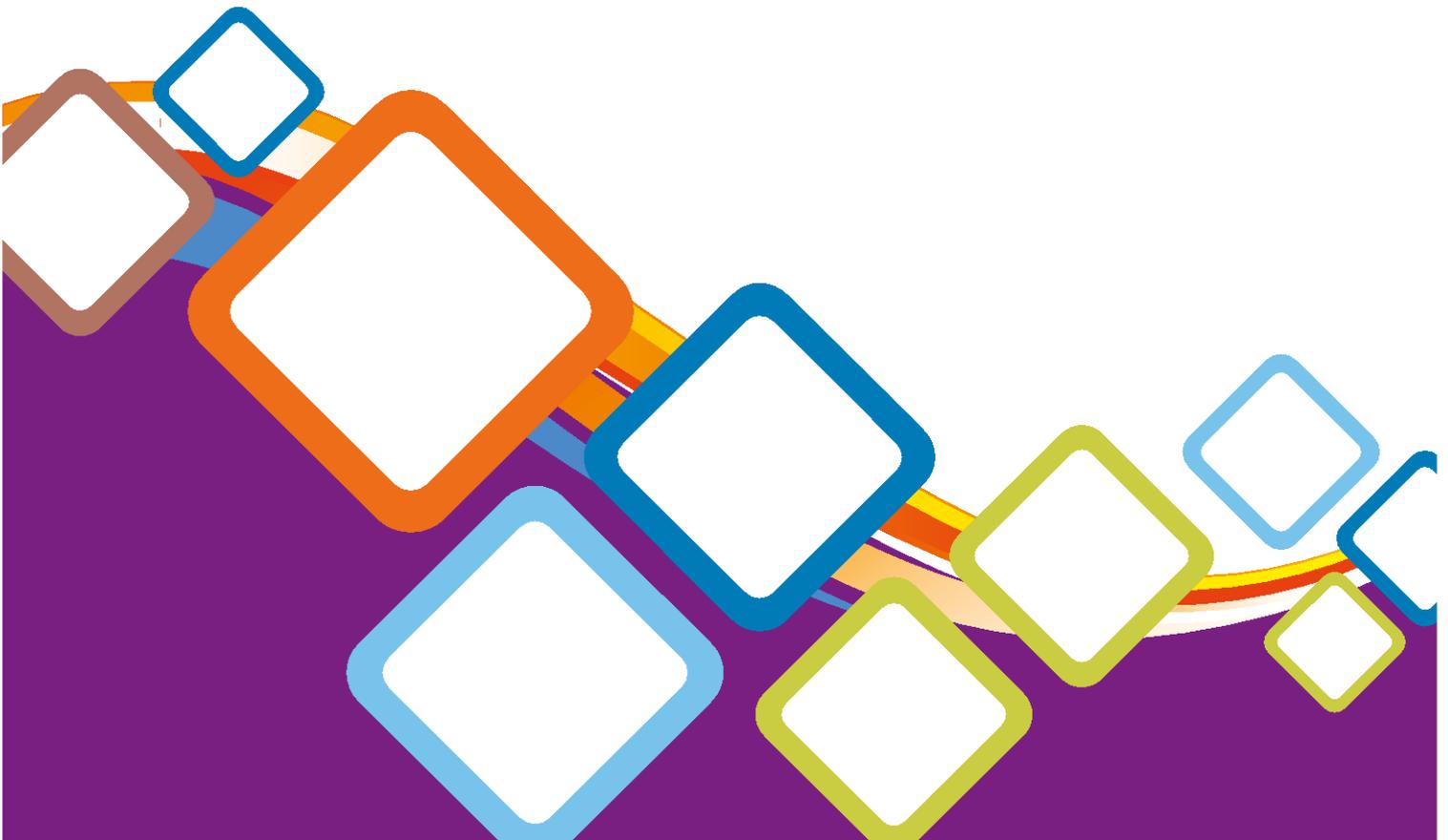


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1. Introduction

This is a guidance document for providers and persons in charge of residential services for people with disabilities.

As a registered provider or person in charge of a designated centre for people with disabilities, you are legally required to notify us of certain prescribed incidents, events or changes within your centre under the:

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

Notifications keep us informed of adverse or potentially harmful events that happen within designated centres and inform our decision making around changes to the registration status of the centre.

Depending on the nature of the incident, event or change, you must notify us 'within three working days', 'at the end of each quarter', 'on a six-monthly basis' and in response to proposed changes within the designated centre (for example, change of person in charge).

The timescales for notifying us of the different types of incidents that occur in designated centres vary depending on the nature of the incident being notified.

It is your responsibility to be familiar with the relevant timescales and ensure notifications are submitted within the prescribed period. Failure to do so may be treated by the Authority as evidence of lack of fitness. This could have implications for registration or renewal of registration as well as possibly constituting an offence under the Health Act 2007.

2. Completing statutory notification forms

This section of the guidance sets out the legislative framework in relation to statutory notifications. It also describes where forms can be obtained, who should complete them and how they should be submitted to us.

2.1 What information must be notified to HIQA?

The following regulations require registered providers and/or persons in charge to notify us of certain prescribed incidents, events or changes occurring in the designated centre:

- Regulations 31, 32 and 33 of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013

- Regulations 7 and 11 of the Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013

2.2 Where can I find the notification forms?

Notifications should be submitted using forms which can be downloaded from: <http://www.hiqa.ie/resource-centre/care-providers/notices/notifiable-events>

Some registration notification forms are not available on our website but may be obtained by contacting the HIQA Registration Office on 021 240 9340 or by email to registration@hiqa.ie.

From time to time, changes may be made to statutory notification forms; therefore you should always use the current form available for download on our website or from our Registration Office.

2.3 Who should complete the notification forms?

It is the responsibility of the registered provider or person in charge to ensure that notice is given to us within the required timeframes. Failure to do so may constitute an offence under the Health Act 2007.

Within the designated centre, there should be clear delegation arrangements in place to ensure that in the absence of the person in charge, notifications are submitted by another member of staff participating in the management of the centre. The delegation arrangements should show which members of staff are responsible for submitting notifications in the absence of the person in charge.

On each form, there is a declaration section, which should be completed by the person who submits the notification. It is important that this is completed legibly so that we know who to contact if required for additional information.

Notifications made on behalf of companies or other corporate bodies should be signed by the duly authorised person.

2.4 How do I complete a notification form?

Each form clearly sets out the information you are required to submit. As a general rule, when completing notification forms, ensure that you provide as much detail as possible. This should be factual, objective and accurate.

In a number of instances, we ask for additional information on the form which enables us to better understand what happened and how you responded to it.

Providing this additional information often means that we do not need to contact you following receipt of the notification form or carry out an inspection to obtain further information.

If additional information has been requested or is required after you have submitted a notification, please reference clearly:

- the resident's unique identifier,
- notification type (e.g. NF01D),
- the date the form was submitted and nature of incident or event.

This is important, and will enable us to associate any new information with that previously submitted.

Once the form has been fully completed by the appropriate person, you should fill in the declaration section at the end. In the declaration, you need to print your name in full and sign the form with your usual signature. Where it is not possible to sign the form, you should also print your details in the signature field.

2.5 How do I submit a notification form?

When you have completed the form, you should send it as an attachment to rst@hiqa.ie or children@hiqa.ie or registration@hiqa.ie depending on the type of service provided and nature of the information being submitted.

Only where it is not possible to email the form, should you post or fax it to the relevant regional office or our registration office.

Relevant contact details are included on each form and are set out in Appendix 2. Depending on the notification, mark faxes either for the attention of the 'Regulatory Support Team' or the 'Registration Office'.

It is the responsibility of the registered provider or person in charge to ensure that we receive all notifications within the prescribed timescales.

2.6 Why should I use a unique identifier rather than a resident's personal details?

In line with data protection principles and privacy impact assessment, we will only collect information necessary to carry out our statutory functions. This means that we will not unnecessarily collect personal information.

Therefore, providers are asked not to include personal information on a resident when submitting a notification to us, this includes naming a resident on a form.

Registered providers should create a unique identifier for each of their residents. The identifier should be created so that individuals cannot be identified.

Identifiers should be numerical; however, dates of birth, admission dates, room numbers or other data (including National Intellectual Disability Database (NIDD) personal identification numbers) that could potentially identify a resident should not be used. A method of validating the unique identifiers should be kept securely in the centre and made available to inspectors on request.

3. What are the different notification forms?

The tables in Appendix 1 identify which notification form should be completed for each of the different prescribed incidents and events, by whom and within what timeframe.

Each notification form sets out clearly what information you must submit to us to satisfy the requirements of the regulations.

3.1 Statutory Notification Forms NF01 – NF09

The person in charge must ensure that we are notified in writing of all incidents prescribed under Regulation 31(1) of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013.

Statutory notification forms NF01D to NF09D have been specifically designed to support the person in charge when notifying us about these incidents.

If a very serious incident occurs, the person in charge should notify us immediately, either by email or a phone call.

In such instances, it is not appropriate to wait to notify us within three working days (which may be 5 days over a weekend). The initial call/email can then be followed up in writing by submitting the appropriate notification form.

Statutory notification forms NF01 to NF09 are as follows:

- **NF01D:** The unexpected death of any resident, including the death of any resident following transfer to hospital from the designated centre.
 - While all deaths in designated centres are reportable to the Coroner, Regulation 31(1)(a) of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 requires that you notify us in writing of the unexpected death of any resident including the death of any resident following transfer to the hospital from the designated centre.
 - The person in charge must also notify us in writing once the cause of the unexpected death has been established (if this was unknown at the time NF01D was submitted).

- While it is not possible to be definitive in terms of what is or is not an unexpected death, providers should carefully consider the circumstances of each death and notify us accordingly using either NF01D (an unexpected death) or NF18D (quarterly return of all other deaths).
- **NF02D:** Outbreak of any notifiable disease as identified and published by the Health Protection Surveillance Centre.
- **NF03D:** Any serious injury to a resident which requires immediate medical or hospital treatment.
 - We have defined any serious injury to a resident as 'any bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ. e.g. fracture, burn, sprain/strain, vital organ trauma, a cut or bite resulting in an open wound, concussion, etc.'
 - It does not include minor injuries for which first aid is sufficient or minor injury reviewed by a general practitioner and which do not require further treatment.
 - When an injury is not serious, it should be reported to us on a quarterly basis using form NF17D.
- **NF05D:** Any unexplained absence of a resident from the designated centre.
 - An 'unexplained absence' has occurred 'when a resident has been found to be missing from a centre without staff's knowledge of his or her whereabouts'.
- **NF06D:** Any allegation, suspected or confirmed, of abuse of any resident.
 - The National Standards for Residential Services for Children and Adults with Disabilities (HIQA, 2013) defines abuse 'as any act, or failure to act, which results in a breach of a vulnerable person's human rights, civil liberties, physical and mental integrity, dignity or general wellbeing, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative'.
 - Abuse may take many forms including physical, psychological, sexual, financial, neglect and abandonment, psychological threats and institutional violence. These are discussed in detail within the National Standards for Residential Services for Children and Adults with Disabilities.
 - There should be policies and procedures in place within designated centres (that reflect national guidelines and international best practice) which guide decision making by staff regarding when behaviour that challenges should be considered abuse and therefore notifiable to us.

- As a general rule, behaviour that challenges should not be notified as abuse unless it impacts to such an extent on another resident(s) that it clearly falls within the definition of abuse.
- It is not necessary to report historical allegations of abuse that pre-date the commencement of regulations. However, in the event that allegations of abuse prior to 01 November 2013 arise, providers should take all necessary action to protect residents, including carrying out investigations and notifying other authorities as appropriate.
- **NF07D:** Any allegation of misconduct by the registered provider (or registered provider entity) or by staff.
 - For professionally registered staff such as nurses and social workers, misconduct is generally considered to be a failure to adhere to proper standards of conduct, performance and ethics (as laid down by the relevant registration body e.g. An Bord Altranais (Nursing and Midwifery Board) or CORU)
 - Misconduct should be considered in terms of the staff member's job description, the centre's operational policies and procedures, any code of conduct expected of employees and other professional codes of practice
 - Any breaches of such codes that require disciplinary action by management should be notified to us
 - For the registered provider (or provider entity), an example of misconduct may be where the provider (or provider entity) is convicted of an offence under health and safety legislation or where there is an allegation of financial misappropriation at head office.
- **NF08D:** Any occasion where the registered provider becomes aware that a member of staff is the subject of review by a professional body.
- **NF09D:** Any fire, any loss of power, heating or water, and any incident where an unplanned evacuation of the centre took place.
 - We have defined 'loss of power, heating or water' to mean 'any loss of power, heating or water lasting longer than 30 minutes or two or more instances (each lasting less than 30 minutes) occurring in any 24-hour period'.

3.2 Quarterly Statutory Notification Forms (NF10D, NF15D – NF18D)

Under Regulation 31(3) of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013, the person in charge must ensure that a written report is provided us at the end of each quarter.

We have designed an excel spreadsheet to support the person in charge when sending us this information.

This spreadsheet contains notification forms NF10D, NF15D, NF16D, NF17D and NF18D and is available on our website for download at <http://www.hiqa.ie/resource-centre/care-providers/notices/notifiable-events>.

Submission dates for return of the quarterly notification forms are:

- **31 January** (for incidents that took place in October, November and December)
- **30 April** (for incidents that took place in January, February and March)
- **31 July** (for incidents that took place in April, May and June)
- **31 October** (for incidents that took place in July, August and September).

Quarterly statutory notification forms NF10D, NF15D, NF16D, NF17D and NF18D are as follows:

- **NF10D:** Any occasion on which a restrictive procedure including physical, chemical or environmental restraint was used.
 - Detailed logs should be maintained within the centre for every episode of restraint or use of a restrictive procedure.
 - Each entry in the log should be dated and include details of the reason, type and duration of restraint and/or restrictive procedure used.
 - All records on the use of restraint or restrictive practices within the centre should be available for inspection.
- **NF15D:** Any occasion on which the fire equipment was operated other than for the purpose of fire practice, drill or test of equipment
- **NF16D:** Where there is a recurring pattern of theft or burglary
- **NF17D:** Any injury to a resident not required to be notified under Regulation 31(1)(d) of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013.
- **NF18D:** Any other deaths other than included under Regulation 31(1)(a) (NF01D).

3.3 Six Monthly Notification by the Registered Provider

Regulation 31(4) of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 requires the registered provider to notify us on a six-monthly basis where no incidents which require to be notified under this Regulation have taken place.

To comply with this regulation, providers should write advising us that no incidents under Regulation 31(1), (2) or (3) of the Health Act 2007 (Care and Support of

Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013, have taken place within six months from the date of the last notifiable incident.

3.4 Statutory Notification Forms NF20 and NF21

Under Regulation 32 of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013, the registered provider¹ must notify us of the following within the prescribed timescales:

- **NF20:** When the person in charge is absent from a designated centre for a continuous period of 28 days or more.
 - This form should be completed by the registered provider 'where the person in charge of the designated centre proposes to be absent from the designated centre for a continuous period of 28 days or more'.
 - We should be notified at least 20 working days in advance of a planned absence or within 3 working days if the absence arises as a result of an emergency
 - This form should be used for both planned and emergency absences.
- **NF21:** Return of the person in charge after being absent for a continuous period of 28 days or more.
 - We should be notified within three working days of return of the person in charge.

3.5 Statutory Notification Forms NF30 – NF38

The person in charge must ensure that we are notified in writing of all incidents prescribed under Regulation 7 of the Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013.

Statutory notification forms NF30 to NF38 have been specifically designed to support the person in charge when notifying us about these incidents. These forms are as follows:

- **NF30:** Change of the person in charge.
 - We should be notified within 10 working days of the person in charge of the designated centre ceasing to be in charge

¹ Notifications made on behalf of companies or other corporate bodies should be signed by a duly authorised person, for example the CEO/regional manager/director of services/general manager or similar level and will depend on the scale and nature of the organisation.

- We should receive full and satisfactory information (in regards to all matters set out in Schedule 3² within 10 working days of the appointment of the new person in charge
- Due to the specific documentation required to be completed (e.g. HIQA specific Garda Síochána vetting form) a NF30 pack can only be obtaining by contacting our registration office.
- **NF31**: Change in person participating in the management of the designated centre (PPIM).
 - It is at the discretion of the registered provider to identify which persons participate in the management of the centre.
 - We should be notified within 20 working days of any change of a person participating in the management of the designated centre
 - We should receive full and satisfactory information (in regards to all matters set out in Schedule 3³ within 10 working days of the appointment of the new person participating in the management of the centre
 - Due to the specific documentation required to be completed (e.g. HIQA specific Garda Síochána vetting form) a NF31 pack can only be obtaining by contacting our registration office.
- **NF32**⁴: Change in ownership of the body corporate
- **NF33**⁵: Change to the Director, Manager, Secretary or any Similar Officer of the Corporate Body
- **NF34**⁶: Change in the name or address of a Corporate Body
- **NF37**⁷: Change to the committee of management or other controlling authority of an unincorporated body
- **NF38**⁸: Change to the person responsible for the application on behalf of a partnership, company, unincorporated body or statutory body, a body established under the Health Acts 1947 to 2008 or a body established under the Health (Corporate Bodies) Act 1961.

^{2,3} Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013

^{4,5,6,7,8} Notification forms NF32, NF33, NF34, NF37 & NF38 should be signed by the company secretary

3.6 Statutory Notification Form NF35

The registered provider should send statutory notification form **NF35** not less than six months in advance of any decision to cease to carry on the business of the designated centre and close the centre.

The registered provider is required to submit this information under Regulation 11 of the Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013.

In the exceptional circumstance where a registered provider is unable to give the required notice, he/she should immediately contact our registration office by telephone in the first instance.

Appendix 1:

Table 1: Notifiable incidents required under Regulation 31 of the Health Act 2007 (Care and Support of Residents in Designated Centres for Peoples (Children and Adults) with Disabilities) Regulations 2013

Form:	Nature of Notification	Timeframe	Person responsible
NF01D	The unexpected death of any resident, including the death of any resident following transfer to hospital from the designated centre	Within three working days of the incident	Person in charge
NF02D	Outbreak of any notifiable disease as identified and published by the Health Protection Surveillance Centre		
NF03D	Any serious injury to a resident which requires immediate medical or hospital treatment		
NF05D	Any unexplained absence of a resident from the designated centre		
NF06D	Any allegation, suspected or confirmed, of abuse of any resident		
NF07D	Any allegation of misconduct by the registered provider or by staff		
NF08D	Any occasion where the registered provider becomes aware that a member of staff is the subject of review by a professional body		
NF09D	Any fire, any loss of power, heating or water, and any incident where an unplanned evacuation of the centre took place		
NF10D	Any occasion on which a restrictive procedure including physical, chemical or environmental restraint was used		
NF15D	Any occasion on which the fire equipment was operated other than for the purpose of fire practice, drill or test of equipment		
NF16D	Where there is a recurring pattern of theft or burglary		
NF17D	Any injury to a resident not required to be notified under Regulation 31(1)(d) - (NF03D)		
NF18D	Any other deaths other than required to be notified under Regulation 31(1)(a) - (NF01D)		

Table 2: Notifiable events required under Regulation 32 of the Health Act 2007 (Care and Support of Residents in Designated Centres for Peoples (Children and Adults) with Disabilities) Regulations 2013

Form:	Nature of Notification	Timeframe	Person responsible
NF20	When the person in charge proposes to be absent from a designated centre for a continuous period of 28 days or more	20 working days in advance of the change or within 3 working days if absence arises as a result of an emergency	Registered provider*
NF21	Return of the person in charge after being absent for a continuous period of 28 days or more	Within three working days of return of the person in charge	

* Notifications made on behalf of companies or other corporate bodies should be signed by a duly authorised person, for example the CEO/regional manager/director of services/general manager or similar level and will depend on the scale and nature of the organisation.

Table 3: Notifiable events required under Regulation 7 of the Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013

Form:	Nature of Notification	Timeframe	Person responsible
NF30	Change of the person in charge	Within 10 working days of the change	Registered provider*
NF31	Change in key senior management personnel	20 working days in advance of the change	
NF32	Change in ownership of the body corporate	8 weeks in advance of change	
NF33	Change to the Director, Manager, Secretary or any Similar Officer of the Corporate Body		
NF34	Change in the name or address of a Corporate Body		
NF37	Change to the committee of management or other controlling authority of an unincorporated body	8 weeks in advance of change	
NF38	Change to the person responsible for the application on behalf of a partnership, company, unincorporated body or statutory body, a body established under the Health Acts 1947 to 2008 or a body established under the Health (Corporate Bodies) Act 1961		

Table 4: Notifiable events required under Regulation 11 of the Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013

Form:	Nature of Notification	Timeframe	Person responsible
NF35	To cease to carry on the business of the designated centre and close the centre	Not less than six months	Registered provider*

* Notifications made on behalf of companies or other corporate bodies should be signed by a duly authorised person, for example the CEO/regional manager/director of services/general manager or similar level and will depend on the scale and nature of the organisation.

Appendix 2: Contact details for HIQA

Depending on the type of service provided and nature of the notification being submitted, the completed signed form should be sent by email to:

rst@hiqa.ie or
children@hiqa.ie or
registration@hiqa.ie

Only where it is not possible to email the form, should you post or fax it to the relevant regional office or our registration office.

Please mark faxes for either the attention of 'Regulatory Support Team' or 'Registration Office' depending on the type of notification that is being submitted.

When a fully completed and signed form has been emailed to the Authority, please do not also post or fax a copy.

NF30 and **NF31** packs should be returned by post to our Registration Office.

Contact details are set out in the table below:

Dublin Office	Cork Office	Registration Office
Regulatory Support Team Health Information and Quality Authority Georges Court Georges Lane Smithfield Dublin 7 Fax: 01 814 7499 Tel: 01 814 7400	Regulatory Support Team Health Information and Quality Authority Unit 1301 City Gate Mahon Cork Fax: 021 240 9600 Tel: 021 240 9300	Registration Office Health Information and Quality Authority Unit 1301 City Gate Mahon Cork Fax: 021 240 9600 Tel: 021 240 9340

