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**An Roinn Sláinte**  
Department of Health

## Draft Regulations for Providers of Home Support Services: Public Consultation Survey

Fields marked with \* are mandatory.



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**An Roinn Sláinte**  
**Department of Health**

### **Draft Regulations for Providers of Home Support Services: Public Consultation Survey**

The Department of Health has launched a public consultation on draft regulations for providers of home support services. These regulations set out the minimum requirements that public, private, and not-for-profit providers of home support services will be required to meet to obtain a license to operate.

#### **How to make a response?**

You can make your views known by completing this online survey.

This survey consists of 3 sections, with 14 questions in total. Section 1 asks you to provide information about yourself. Section 2 asks you to provide general feedback on the draft regulations. Finally, Section 3 invites you to provide focused feedback on the different parts of the draft regulations.

Only Section 1 of the survey is mandatory. This allows you to give as much or as little feedback as you would like.

Where the survey gives you the opportunity to provide written feedback, please be aware that this is limited to 1,200 characters, or around 200 words per answer.

### **What is the Deadline for a response?**

This deadline and survey will close on Thursday 4th August at 5:00pm.

### **What we will do with your response?**

A report on the findings of the public consultation will be prepared by the Institute of Public Health for the Department of Health. Your views will contribute to the further development of legislation governing home support.

### **Privacy Notice**

By completing this survey, you are agreeing to take part in the public consultation.

Personal, confidential or commercially sensitive information should not be included in your submission. If personally identifiable details are included they will be deleted. All submissions and survey answers are subject to release under the Freedom of Information (FOI) Act 2014 and are also subject to Data Protection legislation.

The Department's Privacy Policy can be viewed [here](#).

### **Queries**

Should you have any queries in relation to this survey, please contact [HSRConsultation@health.gov.ie](mailto:HSRConsultation@health.gov.ie)

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## **Section 1. About you**

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### **\* Question 1:**

Are you providing feedback as:

- an individual
- on behalf of an organisation

### **Question 2:**

If answer is "on behalf of an organisation", please give the name of the organisation.

Name of organisation-----:

Citizens Information Board

Is the organisation?

- a home support provider or network
- a trade union or worker representative body
- a representative or advocacy body for disability or older people
- a public sector body or regulator
- a healthcare or medical organisation or body
- other (please give details below):

If selected 'other' above, please give details here:

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## Section 2. Overall feedback

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### Question 3:

Do you agree that the home support regulations should cover the following types of activity for those who need assistance due to illness, frailty or disability?

	Yes	No	Unsure
Physical assistance with mobility, washing, mealtimes and using the bathroom, or reminders/ supervision of these activities where necessary	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reminding or supervising someone to take medication	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Helping someone to do everyday activities such as shopping, cooking and cleaning	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exercise and social engagement inside and outside the home	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Care for the emotional welfare of the service user, such as listening and providing encouragement	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal assistance (that is a package of assistance provided to support independence, health and social engagement)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment (optional) - max 200 words

*1200 character(s) maximum*

The home care regulatory system needs to distinguish between people who require care and support because of frailty or reduced decision-making capacity and people who require the support of a Personal Assistant (PA) to carry out the normal activities of daily living attendance at and participation in work. The support needs of people with a physical or sensory disability who can function fully with appropriate technology and personal assistance are clearly very different from the care needs of people with an intellectual disability, those who have a frailty associated with the ageing process or who have reduced decision-making capacity because of dementia. (See also answer under Question 4.)

It is important that the regulatory system focuses on outcomes as well as on processes and that the focus remains on ensuring that everyone gets the best possible quality of care both currently and as their care needs change.

Personalised care provision must be at the core of the regulatory system.

**Question 4:**

Do you agree that the following types of service are **NOT** covered by these home support regulations?

	Yes	No	Unsure
Services for people aged less than 18	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Home support by a family member or friend	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Home support services that are unpaid	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
A paid employment relationship between an individual home support worker and one service-user	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Services provided only by registered healthcare professionals (such as nurses or physiotherapists)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment (optional) - max 200 words

*1200 character(s) maximum*

Typically, PAs are employed by the individual with a disability (the Leader) who receives financial assistance from the State for this purpose. It is likely that some regulatory provision for contracts between Personal Assistants and Leaders would help to ensure that the rights of both are well protected.

There is a need to make some regulatory provision for situations where people use an online platform to employ carers directly and where they can set their own rates, hours, and the specific services to be provided.

It is also the case that home care can be provided 'free' on a voluntary basis, but this may lend itself to informal payment in cash or in the expectation of obtaining an advantage or favour in return for providing such care (e.g., transfer of property). While such individual arrangements are likely to be difficult to regulate, some consideration needs to be given as to how this can be done to ensure that such arrangements do not result in abuse or exploitation.

From a regulatory perspective, Government will introduce a Personalised Budgets Approach through which people would be allocated a 'purse' of money to enable them to purchase their care.

**Question 5:**

These regulations will require all home support workers to have minimum educational qualifications, or to get these within a set timeframe.

Do you agree with this?

- Yes
- No
- Unsure

Please comment (optional) - max 200 words

*1200 character(s) maximum*

There is a clear need to ensure a standardised quality national approach to home care. This requires that care staff be educated and trained up to a certain level (e.g., QQI level 5 or 6). However, it is also important to guard against losing competent care workers due to their inability to gain educational qualifications to the prescribed standard. It is almost certain that many home care professionals who do not have formal training are highly skilled, and ways need to be found of keeping them in the system through, for example, targeted incremental training programmes at local level which recognise and build on experience and skills acquired through practice.

It would be important to have banded remuneration linked to different levels of home carer training /education. Provision for reciprocal action on pay and career progression is likely to be required. Provision for different 'types' of home care (e.g., dementia-specific) may facilitate the more effective deployment of home care workers. It is likely that strong regulation relating to pay and conditions as well as options for career progression would attract more people to the home care sector.

**Question 6:**

Do you believe the overall impact of the proposed regulations will be:

- Positive
- Negative
- Unsure

Please comment (optional) - max 200 words

*1200 character(s) maximum*

Notwithstanding the welcome and likely positive impact of the regulation of home care, there are diverse risks associated with its introduction, for example, driving up the cost of services; a decrease in the pool of home care professionals initially; home care becoming over-regulated, technocratic and a related diminution of the important person-centred focus; people (care recipients and families) not wanting to report regulation issues to avoid conflict or because of fear of having the home support service withdrawn.

It would be important that there is a sufficient timeframe given to implementing new regulations and that this be done on a phased basis.

It is likely that there is potential for residential care providers to deliver home care given that they are already familiar with regulation and that there are very likely to be transferable skills.

**Question 7:**

What do you consider will be the benefits of introducing these regulations for home support providers?

Please tick any or all that apply:

- better quality and consistency of service
- greater protection for service users
- guidance for all involved in home support services
- other

Please give reasons for your answer (optional):

It has been a significant anomaly in the system that residential care facilities have been regulated for several years but that the home care sector has not. Addressing this deficit is critically important because most people requiring care and support want it provided in their own homes.

There is currently no regulatory barrier to entering the home care sector in Ireland. Where organisations provide homecare without HSE funding, there is no requirement to comply with HSE standards or policies and procedures. In theory, at present, any organisation can provide any type of home care.

The absence of any oversight and independent assurance as to the quality and standards of home care provision exposes vulnerable adults in receipt of home care services to the risks of abuse, neglect, and harm. There is currently no provision for independent inspection of home care service providers, or investigation of complaints relating to safeguarding concerns and no statutory provisions or policy standards regarding the need for a care plan for adults in receipt of homecare services.

Regulation will help to ensure that there is standardised home care available nationally and that home care workers are appropriately remunerated and have their employed rights protected. Regulation will contribute to raising the status of home care work in society generally. However, it is only one part of the broader reform that is needed for care in the community.

**Question 8:**

Do you have any concerns about the introduction of these regulations?

- Yes
- No
- Unsure

Please comment (optional) - max 200 words

*1200 character(s) maximum*

It is likely that regulation will be problematic for some in the sector, such as smaller community-based home care providers. Some providers may feel that they do not have the capability or capacity to meet the regulations. Consideration needs to be given to allocating transitional supports to such providers.

There needs to be lead-in period for providers to become compliant and a 'roadmap to compliance' identified. There needs to be a mechanism to identify when a person's home may not be a suitable care environment, and some provision for assessment in terms of the safety of the service user's home for home care professionals providing care within it.

The focus must remain on the nature and quality of the care services to be provided and regulation should not become an end in itself.

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### Section 3. Feedback by section on the Draft Regulations for providers of home support services

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The next section seeks feedback on specific sections of the draft regulations. The full regulations can be found [here](#). A Plain English summary of these sections can be found [here](#).

### Service Delivery

**Question 9:**

Do you agree with the requirements set out in sections 3 - 10 under Service Delivery?

	Yes	No	Unsure
Section 3. Statement of Purpose	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 4. Principles of Service Delivery	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 5. Contract between Service-User and Home Support Provider	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 6. Needs Assessment and Personal Support Plan	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 7. Management of Records	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Section 8. Service Provision	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 9. Medication Management Support	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 10. Safeguarding and Protection of the Service-User	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please comment or state any changes you feel are needed (optional) - max 200 words

*1200 character(s) maximum*

The Regulations should require that a contract between service-user and home support provider include a clear statement that the service provider will always ensure that the care recipient is safeguarded and protected from abuse in any form, including coercive control and financial exploitation.

In relation to the management of records, there may be a data protection issue about storing records in the home of person who is vulnerable because of frailty or reduced decision-making capacity.

Some private home care providers are members of Home and Community Care Ireland (HCCI) (an umbrella organisation that represents several private homecare providers in Ireland). While the HCCI Home Care Standards includes provisions directed at protecting recipients of homecare from abuse and exploitation, these Standards apply only to members of the HCCI and are not subject to any independent oversight or regulation.

The Regulations need to refer to the provisions of the Assisted Decision-making (Capacity) with reference to how supported decision-making is to be provided for to ensure that everyone is included in decision-making about their care and support to the greatest extent possible.

**Staffing****Question 10:**

Do you agree with the requirements set out in sections 11 – 13 under Staffing?

	Yes	No	Unsure
Section 11. Staffing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 12. Qualifications, Training and Development	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 13. Supervision of Staff	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please comment or state any changes you feel are needed (optional) - max 200 words

*1200 character(s) maximum*

There is a need for a regulatory requirement for all home care providers to have a clearly stated Working Alone Policy which makes provision for various contingencies where there may be a potential risk of harm to a care worker, e.g., from the service user, a relative of the service user or a neighbour. This is also necessary to protect vulnerable service users from abuse and exploitation.

## Corporate Governance

### Question 11:

Do you agree with the requirements set out in sections 14 -16 under Corporate Governance?

	Yes	No	Unsure
Section 14. Management of the Service	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 15. Reporting Data to Regulator	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 16. Financial Procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment or state any changes you feel are needed (optional) - max 200 words

*1200 character(s) maximum*

There may be a data protection issue about storing records in a person's home because such records could potentially be available to people who have no right to see them, e.g., visiting neighbours, friends, or relatives.

The provision in Section 16 for increasing fees should include some reference to the circumstances in which fees may be increased, e.g., consumer price index, need for increased wages to recruit staff, additional costs associated with meeting regulatory requirements.

## Corporate Oversight

### Question 12:

Do you agree with the requirements set out in sections 17– 21 under Corporate Oversight?

	Yes	No	Unsure
Section 17. Policies and Procedures.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 18. Complaints Procedure	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 19. Infection Prevention and Control	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 20. Health and Safety	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section 21. Governance, Management and Quality Assurance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment or state any changes you feel are needed (optional) - max 200 words

*1200 character(s) maximum*



Home care providers should have a separate procedure from their Complaints Procedure for responding to an allegation of abuse against a care worker. This is critically important because, while an allegation of abuse may have a complaint dimension, it is of a different order and may have serious implications for the home care worker as well as a safeguarding component in respect of the service user. Therefore, the Home Care Provider needs to manage and process an allegation of abuse differently to a complaint. As already stated, each Home Care Provider should have a Working Alone Policy.

There is a need for a clear regulatory statement in relation to how an allegation of abuse against a home care professional by a service user is to be dealt with by the service provider.

Some further elaboration on the role of advocates would be welcome in the regulations and guidelines.

## Schedules

### Question 13:

Do you agree with the requirements set out in Schedules 1 - 6 providing more detail about what is required in specific areas?

	Yes	No	Unsure
Schedule 1. Statement of Purpose	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Schedule 2. Policies and Procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Schedule 3. Induction Training	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Schedule 4. Records	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Schedule 5. Supporting Person	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Schedule 6. Specified Person	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment or state any changes you feel are needed (optional) - max 200 words

*1200 character(s) maximum*

As stated above, there may be a data protection issue about storing a person's records in their home.

As indicated previously some further guidance on the role of independent advocates is required.

## Overall comment (Final question)

### Question 14:

Please use the box below to provide any additional comments you have about these draft regulations (optional) - max 200 words

*1200 character(s) maximum*

The need for regulation is more important as home care services are delivered currently through a range of providers, including the HSE, voluntary not-for-profit organisations and private for-profit services. It is possible for people without any relevant training or qualification to advertise home care services on an individual “cash for care” basis without going through any organisation.

Standards and regulations for home care services should be applied to all types of providers equally – statutory, private and NGO. There is a need to explore further how more informal arrangements for care provision can be regulated to ensure that vulnerable people are not exploited or abused.

Regulations will only be effective to the extent that there is compliance. The experience of HIQA in achieving regulatory compliance in the residential care sector will be informative in this regard.

The Regulations for Providers of Home Care Services need to be linked to the HSE Safeguarding Vulnerable Persons at Risk of Abuse National Policy & Procedures.

The aim should be to have one integrated regulatory system to cover all long-term care provision whether in the community or in residential care.

## **Contact**

HSRConsultation@health.gov.ie