

Residential Care Homes Regulations 2005

GN 15/2005

THE RESIDENTIAL CARE HOMES ACT 2003

Regulations made by the Minister under section 25 of the Residential Care Homes Act 2003

1. These regulations may be cited as the **Residential Care Homes Regulations 2005**.

2. In these regulations -

"Act" means the Residential Care Homes Act 2003;

"foster home" has the meaning assigned to it by the Child Protection (Foster Care) Regulations 2002;

"manager" means a person who performs management functions of a residential care home;

"next of kin" means spouse, child, father, mother, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece and includes any person with whom a resident of a residential care home ordinarily resided, or under whose responsibility or control that person lived, or had been placed;

"nursing care" means the type of care that requires the intervention or supervision of a nurse registered under the Nursing Council Act 2003;

"staff" means employees of a licensee but does not include a volunteer or a person under a contract for services order as specified in the Community Service Order Act 2002;

"volunteer" means any person who, with the permission of the manager, provides a service without remuneration in a residential care home.

3. (1) Any person who intends to carry on the business of a residential care home shall make an application for a licence to the Board in the form specified in the First Schedule.

(2) The application made under subsection (1) shall be accompanied by -

(a) the documents specified in paragraph 3 of the application form;

(b) such other information or documents as the Board may require; and

- (c) a non-refundable application fee of 1000 rupees.
- (3) On receipt of an application, the Board may make such inquiry and consult such persons or authorities as it may deem necessary to ascertain whether the applicant is a fit and proper person to be granted a licence.
- (4) Where the Board grants the application, it shall issue a licence to the applicant in the form specified in the Third Schedule on payment of a licence fee of -
 - (a) 3,000 rupees, where the residential care home has less than 26 beds;
 - (b) 6,000 rupees, where the residential care home has 26 beds or more.
- (5) A licence issued under paragraph (3) shall be valid for a period of one year.
- (6) (a) An application for the renewal of a licence shall be made to the Board in the form specified in the Second Schedule.

(b) After considering an application made under subparagraph (a), the Board may renew a licence issued under these regulations on payment of the licence fee specified in paragraph (4).
- (7) The Board may refuse to grant or renew a licence where the building and other infrastructure of the residential care home do not comply with the minimum conditions specified in the Fourth Schedule.
- (8) A new licence shall be required if the licensee transfers his residential care home from one place to another or if the conditions, in relation to the premises and the site, as specified in the Fourth Schedule, have substantially changed.

4. Every licensee shall -

- (a) maintain records of the matters specified in the Fifth Schedule and Seventh Schedule for a period of not less than 3 years;
- (b) ensure that the records referred to in paragraph (a) are kept up to date and confidential, except information that is necessary for the benefit of a resident;
- (c) before employing any person in a residential care home, ascertain that the prospective employee produces such information and documents specified in the Sixth Schedule; and
- (d) submit for inspection any relevant document at the request of the Board, or its inspectors.

5. (1) A licensee shall appoint as the head of his licensed residential care home a manager who shall be responsible for the residential care home.
 - (2) Where the manager of a residential care home is to be absent from the residential care home for a continuous period of 28 days or more, the licensee shall give notice in writing to the Board of the proposed absence.
 - (3) A notice under paragraph (2) shall be given not later than one month before the absence is due to start or within such shorter period as may be agreed with the Board and the notice shall specify with respect to the absence -
 - (a) its length or expected length; and
 - (b) the name, address and qualifications of the person who will replace the manager during his absence.
 - (4) Where the absence of a manager arises as a result of an emergency, the licensee shall give notice to the Board of such absence within one week of the occurrence of the emergency.
 - (5) The licensee shall notify the Board, in writing, of the resumption of duty of the manager within 7 days of his return.
6. A licensee shall not employ a person or allow a person to work as volunteer unless that he is a fit and proper person to act as such.
7. (1) Every licensee shall provide adequate furniture, bedding and other furnishings, including curtains and floor coverings, and equipment suitable to the needs of every resident.
- (2) The licensee may encourage residents, so far as it is practicable, to bring their own furniture and furnishings into the rooms they occupy.
8. (1) Every licensee shall keep the licensed premises clean and tidy and shall take all the necessary steps to keep those premises free from -
 - (a) pests and rodents;
 - (b) general and clinical wastes; and
 - (c) undesirable odours.

- (2) Every licensee shall keep -
 - (a) the licensed premises in a good state of repair both externally and internally;
 - (b) every equipment provided on the licensed premises, for use by a resident or a person working on the premises, in good working condition.
9.
 - (a) Every licensee shall keep a safe where the money or other valuables of the residents may be deposited.
 - (b) Every transfer of money or other valuables whether by a resident to the licensee or the licensee to the resident, shall be recorded in a special register kept by the licensee and signed by the resident and the licensee in respect of each operation.
 - (c) The licensee shall issue a receipt to a resident on every occasion the resident deposits money or other valuables.
10. Every licensee shall give consideration to the social interests of residents, and shall make the necessary arrangements -
 - (a) to enable them to engage in social activities, involving as far as is possible their relatives and parents; and
 - (b) to visit, or maintain contact or communicate with their families and friends.
11. Every licensee shall provide suitable facilities for residents to meet visitors in communal accommodation, or in private accommodation which is separate from the residents' own private rooms.
12.
 - (1) Every licensee shall fix a minimum of 2 hours visiting time between 8 o'clock in the morning and 8 o'clock in the evening.
 - (2) Notice of the visiting time shall be affixed at conspicuous places on the licensed premises.
13. Every licensee shall-
 - (a) provide telephone facilities, and make arrangements to enable every resident to use such facilities in private;
 - (b) make provisions for an alarm bell in the room occupied by every resident.

- 14.** Every licensee shall promptly give notice to the Board of the occurrence of -
- (a) the death of any resident and of the circumstances of his death;
 - (b) the outbreak of any infectious disease on the licensed premises which, in the opinion of any registered medical practitioner attending persons in the home, is sufficiently serious to be so notified;
 - (c) the unexplained absence of any resident;
 - (d) any serious injury to any resident;
 - (e) any serious illness of a resident at licensed premises where nursing is not provided;
 - (f) any event in the licensed premises which affects the well-being or safety of any resident;
 - (g) any theft, burglary, fire, or serious accident which occurs on the licensed premises; and
 - (h) any allegation of misconduct made against any person who works on the licensed premises.
- 15.** Every licensee shall-
- (a) ensure that every resident be given, so far as is practicable, the opportunity to attend religious services and receive instruction as are in conformity with his religion;
 - (b) make suitable arrangements to ensure that the residential care home is managed, with due regard to the religious, cultural and linguistic background and any disability of any resident;
 - (c) ensure that there are no clashes between residents; and
 - (d) make provision for burial of a deceased resident, in accordance with his religious beliefs, where no person assumes responsibility for such burial.
- 16.** (1) Every licensee shall, before terminating any arrangement for the accommodation of a child, give the child's parent or guardian, or, his foster home, as the case may be, at least two months written notice of his intention to terminate the arrangement.
- (2) Where the arrangement for the accommodation of any other resident is terminated, a licensee shall notify -

(a) the resident's next of kin; and

(b) any person under whose supervision the resident may have been placed.

17. (1) Every licensee shall establish a procedure for handling complaints made to the licensee by a resident or person acting on the resident's behalf.

(2) The licensee shall supply a written copy of the complaints procedure to every resident, and to any person acting on behalf of the resident, upon admission.

(3) The complaints procedure shall include-

(a) the name, address and telephone number of the Board; and

(b) any guideline issued by the Board.

(4) The licensee shall ensure that any complaint made to him is fully investigated impartially.

(5) The licensee shall, within 28 days of the complaint or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of any action that is intended to be taken.

(6) The Board may require a licensee to provide a statement containing a summary of complaints made and action taken for a period specified by the Board.

18. The Residential Care Homes Regulations 2004 are revoked.

Made by the Minister on the 4th day of January 2005.

FIRST SCHEDULE

(regulation 3(1))

Residential Care Homes Board

APPLICATION FOR THE ISSUE OF A NEW LICENCE

Name of applicant.....

Profession of applicant.....

Address of applicant.....

Proposed name of residential care home.....

Address of residential care home.....

2. Services intended to be provided in the residential care home:

(please refer to Section 3 of the Act).

(a)

(b)

(c)

(d)

(e)

3. Documents attached:-

(a) a location plan of the premises;

(b) a certificate from the sanitary division of the Ministry responsible for health;

(c) security clearance from the Commissioner of Police;

(d) a certificate from the Controller, Fire Services;

(e) a feasibility study, including evidence of financial viability;

(f) an approved preliminary environment report under Section 16 (6) of the Environment Protection Act 2002 or an E.I.A licence in respect of the home;

(g) a 'certificat de moralité' issued by the office of the Director of Public Prosecutions in the name of every person who would be involved in the management of the residential care home;

(h) the development certificate from the relevant local authority;

(i) the Curriculum Vitae of the proposed manager;

(j) the list of the staff employed, or the proposed staff to be employed by the residential care home.

4. I hereby declare that the particulars given in this application form and the documents attached are, to the best of my knowledge and belief, true and correct.

Date:

.....

Signature of applicant
or
legal representative of applicant

SECOND SCHEDULE

(regulation 3(6))

Residential Care Homes Board

APPLICATION FOR THE RENEWAL OF A RESIDENTIAL CARE HOME LICENCE

Name of applicant :

Profession of applicant :

Address of applicant :

Proposed name of residential care home :

Address of residential care home :

I/We*being licensed to
carry on the business of a residential care home at the above address hereby apply for the renewal of my/Our* licence
No.dated.....

* delete as appropriate

Date:

.....

Signature of applicant
or
legal representative of applicant

THIRD SCHEDULE

(regulation 3(4))

Residential Care Homes Board

RESIDENTIAL CARE HOME LICENCE

.....of.....
is hereby authorised to carry on the business of a residential care home under the name
of.....in respect of premises situate at.....

Services which the licensee is authorised to provide:

.....
.....

This licence shall be subject to the following additional conditions –

- (a) the licence is valid for a period of one year as from
- (b) the licence is not transferable;
- (c)
- (d)
- (e)

.....
Secretary
Residential Care Homes Board

FOURTH SCHEDULE

(regulation 3(7))

MINIMUM CONDITIONS FOR A RESIDENTIAL CARE HOME

1. Location of building

- (1) The premises shall be preferably situated in a residential, peaceful area, far from any airport, highway, marshy land, activity or workshop which creates dust, odour, noise and other environment hazards.
- (2) The access road leading to the home shall be in good condition.

2. Sanitary conditions and physical state of building

- (1) The building shall be structurally sound and shall not allow the ingress of water, specially during cyclones.

- (2) All rooms shall have adequate openings to allow in natural light, fresh air and lighting. Electric lighting shall also be provided.
- (3) The floors shall be covered with hard skid-proof material.
- (4) All corridors shall not be less than 1m60 wide and fitted with handrails on at least one side.
- (5) Electrical installations shall comply with Mauritian Standard MS 63 Code of Practice.
- (6) The water supplied to the home for drinking purposes shall be sufficient and potable.
- (7) Storage tanks shall be provided to ensure constant water supply to the whole premises and shall not be less than 0.4 m³ per resident for two consecutive days.
- (8) Facilities for disposal of solid and liquid wastes to the satisfaction of the Sanitary Division of the Ministry responsible for health.

3. Fire safety facilities

- (1) Means of escape -
 - (a) There shall be provided at least two separate means of escape, one alternate to the other from each floor. The total distance of travel shall not exceed 15 metres from any point from which escape can be made to -
 - (i) a final exit;
 - (ii) the door to a stairway which shall be protected;
 - (iii) the door to a protected escape route; or
 - (iv) the door to a protected area.
 - (b) A door used for means of escape shall-
 - (i) open in the direction of escape; and
 - (ii) be of at least 30 minutes fire resistant.

- (c) Spiral staircases, and ladders, chutes, lowering lines and other manipulative emergency devices for rescue are not acceptable as means of escape.
- (d) Doors used as means of escape shall be kept unlocked from the inside and unobstructed at all times.
- (e) Where an external stairway exists it will be necessary to ensure that -
 - (i) the use of it at the time of a fire cannot be hindered by smoke and flame issuing from openings (e.g windows and doors) in the external wall; and
 - (ii) it is made of fire resisting material.
- (2) Emergency lighting shall be provided in all habitable areas and areas leading to escape routes, as well as in the escape routes.
- (3) (a) An audible and visual fire warning system shall be provided in the premises.
(b) The fire-warning signal shall be audible or perceptible throughout the premises.
- (4) One 4 kg dry powder portable fire extinguisher shall be provided for every floor area of 100 m² or part thereof.
- (5) Fire safety signs and notices shall be displayed and shall comply with Mauritian Standards MS 109.

4. Lay out plan of the proposed residential home

- (1) Reception hall
 - (a) The reception hall shall be located on the ground floor of the building.
 - (b) There shall be a toilet block with wash hand basin.
 - (c) A covered bin shall be provided.
- (2) Bedrooms
 - (a) Every bedroom, including a multi-occupancy room, shall have at least one wash-basin.
 - (b) The minimum area of a single bedroom shall not be less than 9.3 m² (100 sq ft)

- (c) The minimum space for one resident in a multi-occupancy room shall not be less than 7 m² (75 sq ft) per resident.
- (d) There shall not be more than 4 residents in a multi-occupancy room.
- (e) The distance between two beds shall not be less than 0.9m;
- (f) The distance between the end of a bed and the opposite bed shall not be less than 1.5 m.
- (g) Bunk beds are not allowed, except for children.
- (h) The height of a bed shall not be more than 60 cm.
- (i) The mattresses shall be of spring or foam type.
- (j) Special beds with barriers shall be provided for bedridden residents.

Amended by [\[GN No. 185 of 2011\]](#)

(3) Water closet

- (a) The residential care home shall provide a common water closet for every 5 residents in cases where ensuite facilities do not exist.
- (b) Each water closet shall not be less than 2 metres square.
- (c) Adequate openings to open air or extractor shall be provided in the sanitary block to have adequate ventilation.
- (d) The floors of the water closets shall be of non-skid material.
- (e) The walls shall be tiled up to 1.5 metres from the ground floor.
- (f) Special provision shall be made for physically disabled residents.
- (g) Each water closet shall be equipped with a wash hand basin.

(4) Shower

- (a) The residential care home shall provide a common shower for every 8 residents in cases where ensuite facilities do not exist.
- (b) Every shower shall be at least 6 metres square.
- (c) The floors of each shower room shall be non-slippery material.
- (d) The walls shall be lined with tiles at least 2 metres above the ground floor.
- (e) Hot water shall be provided at all times.
- (f) Special provision shall be made for physically disabled residents.
- (g) Adequate arrangements shall be made in each shower room to have adequate light and ventilation.

(5) Stores

- (a) There shall be a store for all dry food items.
- (b) Racks standing 300 mm above floor level shall be provided.
- (c) There shall be no soiled pipes or inspection chamber in the stores.
- (d) The store shall be rodent proof.
- (e) All frozen food shall be stored in a cold room or in freezers.
- (f) The cold room shall be equipped with a continuous temperature monitoring device capable of giving a permanent record of temperature which can be checked from the outside, the record of temperature so obtained shall be kept for a period of one year and shall be produced on demand to any authorised officer.

(6) Kitchen

- (a) The kitchen shall be flyproof.
- (b) The doors shall be fitted with self-closing devices and made to open outwards.

- (c) The floor shall be of hard skid-proof surface without crevices and shall be adequately sloped for liquids to drain to trapped outlets and shall be easy to clean and disinfect.
- (d) The junctures of the floor and walls shall be properly covered to facilitate cleaning.
- (e) There shall be no sewage pipe, drain or inspection chamber in the kitchen.
- (f) The walls shall be covered with tiles 2 metres above floor level.
- (g) There shall be a preparation section in the kitchen with 2 separate wash basins, one for vegetarian and one for non-vegetarian food.
- (h) Separate chopping boards shall be provided for vegetables, fish, poultry and meat.
- (i) Pedal operated refuse bins shall be provided in kitchens.
- (j) All cooking points shall be hooded.
- (k) Apparatus for extracting smokes, fumes and odours, approved by the Sanitary Division of the Ministry of Health shall be provided; any chimney shall be prolonged 2 metres above the roof of the premises.
- (l) All preparation tables in the kitchen shall be topped with unjointed aluminium sheets or stainless steel sheets or single sheet marble and where appropriate, such other material so as to achieve the same level of cleanliness.
- (m) There shall be no in-built cupboard under wash basins and tables.
- (n) A wash hand basin with soap and hand drying facilities shall be provided in the kitchen.
- (o) No direct communication shall exist between the kitchen and water-closet or residential area.
- (p) The kitchen shall be equipped with cupboards designed for storage of warm foods and food trolleys.

(7) Dining room

- (a) The dining room shall be of such capacity as to be able to accommodate the total number of residents at one and same time of serving and shall not be less than 1,35 m² per person.

(b) Suitable tables and chairs shall be provided to the relatives.

(8) Multi-purpose room

(a) There shall be a multi-purpose room for the residents.

(b) Televisions, video records and , where possible DVD players and games shall be provided.

(9) Laundry

(a) Every laundry shall consist of a reception, washing, drying, ironing and storing areas.

(b) All linens shall be stored, processed and stored in such a way as to prevent the spread of any infection.

(10) Administrative block

(a) The administrative block shall be properly ventilated and lit.

(b) It shall have at least one water closet and a wash hand basin.

(11) Consultation and treatment rooms (where required)

(a) The consultation and treatment rooms shall be equipped with a couch, first aid amenities, a nebuliser, a table and chairs, a wash hand basin with soap and towel and running water supply and be adequately lit and ventilated.

(b) A water closet with a wash hand basin shall be attached to the consultation room.

(12) Staff quarters

Adequate accommodation with sanitary facilities shall be provided for the personnel to the satisfaction of the Sanitary Division of the Ministry of Health.

(13) Mini-gym for light sports & leisure activities

A mini-gym for light sports and leisure activities.

(14) Mortuary -

- (a) Subject to paragraph (b), a mortuary shall be provided for the keeping of a corpse before its disposal and shall be of adequate size to accommodate bereaved parents and friends.
- (b) A residential care home may be dispensed from the requirement of paragraph (a) where suitable arrangements in writing have been made by the manager with the hospital nearest to the residential home for the keeping of the corpse before its disposal.

Amended by [\[GN No. 213 of 2006\]](#)

5. General environmental duties

- (1) Cleaning and disinfection

A written cleaning and disinfection schedule approved by the Sanitary Division of the Ministry of Health shall be made for the residential care home.

- (2) Pest Control

The residential care home shall undergo pest control at least once every 3 months.

- (3) Control of rodents

Rodent control shall be done at least twice a year.

- (4) Refuse bin

Sufficient number of refuse bins with lids shall be provided and kept in an enclosure prior to collection.

FIFTH SCHEDULE

(regulation 4)

Records to be kept in a residential care home in respect of each resident

1. The general assessment of a resident by a medical practitioner.
2. A recent photograph of the resident and his National Identity Card Number.
3. A record of the following matters in respect of each resident-

- (1) The name, previous address, date of birth, marital status and religion of each resident.
- (2) The name, address and telephone number of the resident's next of kin.
- (3) The name, address and telephone number of the resident's doctors, if any.
- (4) The date on which the resident was admitted in the residential care home.
- (5) The date on which the resident left the residential care home.
- (6) If the resident is transferred to a hospital or nursing home, the date of, and reasons for, the transfer and the name of the hospital or nursing home to which the resident is transferred.
- (7) If the resident died at the residential care home, the date, time and cause of death shall be recorded after consultation with a medical practitioner.
- (8) The name and address of any person who arranged the resident's admission to the residential care home.
- (9) A record of all medicines kept in the residential care home for each resident, and the dates and time on which they were administered to the resident.
- (10) A record of any accident or incident affecting the resident in the residential care home, which record shall include the nature, date and time of the accident or incident, whether treatment was required and the name of the persons who were respectively in charge of the residential care home and supervising the resident.
- (11) A record of any nursing provided to the resident, including a record of his condition and any treatment given.
- (12) Details of any communication needs of the resident and methods of communication that may be appropriate to the resident.
- (13) Details of any care plan relating to the resident in respect of medication, nursing, specialist health care and nutrition.
- (14) A record of any necessary physical restraint used on the resident.
- (15) A record of any necessary limitations agreed with the resident.

4. Copies of the residential care home's correspondence relating to each resident.

SIXTH SCHEDULE

(regulation 4)

Information and documents to be made available to a licensee upon employment in a residential care home.

1. Proof of identity including a recent photograph.
2. A 'Certificat de moralité' issued by the Office of the Director of Public Prosecutions.
3. Two written references, including a reference from the last employer, if any.
4. Where a person has previously worked in a position whose duties' involved working with children or vulnerable adults, evidence of the reason why the employment or position was terminated, so far as is possible.
5. Documentary evidence of any relevant qualifications.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

SEVENTH SCHEDULE

(regulation 4)

Other records to be kept in a residential care home

1. A record of all accounts of the residential care home.
2. A copy of all inspection reports.
3. A record of every employee of the residential care home, which shall include -
 - (a) his full name, address, date of birth and National Identity Card Number, qualifications and experience;
 - (b) a copy of his birth certificate, National Identity Card;
 - (c) a copy of each work reference obtained in respect of him;

- (d) the dates on which the employee commenced or ceased to be employed; and
 - (e) the job description of the employee.
4. A copy of the duty roster of persons working at the residential care home.
 5. A record of the residential care home charges to every resident, including any extra amounts payable for additional services not originally covered and the amount paid by or in respect of the resident.
 6. A record of all money or other valuables deposited by a resident for safekeeping or retrieved on the resident's behalf, which shall state -
 - (a) the date on which the money or valuables were deposited or received;
 - (b) the date on which any money or valuables were returned or made available to a resident at his request; and
 - (c) the written acknowledgement of the return of the money or valuables.
 7. A record of furniture brought to the residential care home by a resident into the room occupied by him.
 8. A record of every complaint made by any resident, his representative, or next of kin or person working at the residential care home, and the action taken by the licensee in respect thereof.
 9. A record of any of the following events that occur in the residential care home-
 - (a) any accident;
 - (b) any incident which is detrimental to the health or welfare of a resident, including the outbreak of an infectious disease in the residential care home;
 - (c) any injury or illness;
 - (d) any fire; and
 - (e) any theft or burglary
 10. Records of the food provided for every resident in sufficient detail to enable any person inspecting the record to determine whether the diet is satisfactory, in relation to nutritive and religious requirements of the resident.

11. A record of every fire practice, drill or test of fire equipment, including fire alarm equipment conducted in the care home and of any action taken to remedy defects in the fire equipment.
12. A statement of the procedure to be followed in the event of a fire, or where a fire alarm is given.
13. A statement of the procedure to be followed in the event of any accident or in the event of any resident becoming missing.
14. A record of every visitor to the residential care home, including the names of such visitor.