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L.N. 322 of 2021

SOCIAL CARE STANDARDS AUTHORITY ACT (CAP. 582)
Social Regulatory Standards for Residential Services for Senior Citizens Regulations, 2021

IN EXERCISE of the powers conferred by article 30(5) of the Social Care Standards Authority Act, the Minister for Senior Citizens and Active Ageing, has made the following regulations:

1. The title of these regulations is the Social Regulatory Standards for Residential Services for Senior Citizens Regulations, 2021. Title.

2. These regulations shall by means of the Schedule, elevate the Social Regulatory Standards for Residential Services for Senior Citizens, to the status of subsidiary legislation under the Social Care Standards Authority Act. Scope. Cap. 582.

3. In these regulations, unless the context otherwise requires: Interpretation.

""Act" means the Social Care Standards Authority Act; Cap. 582.

"Authority" means the Social Care Standards Authority (SCSA) as established by virtue of article 5 of the Social Care Standards Authority Act; Cap. 582.

"challenging behaviour" means behaviour of such an intensity, frequency, or duration exhibited by residents, that is triggered by intrinsic or extrinsic factors, that has the potential to cause physical, emotional and, or psychological harm to the residents themselves or to other persons around them. This behaviour is likely to limit or deny access to certain services or facilities without adequate support;

"civil rights" means rights conferred on persons by the Laws of Malta.

"competent person" means a person who has the appropriate theoretical and, or practical knowledge and, or experience which render him capable and, or authorized to implement specific activities, in accordance with national legislation, standards or directives issued by the applicable authorities;

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"comprehensive geriatric assessment" means a process which includes a multidimensional assessment of a person with increasing dependency, including medical, physical, cognitive, social and spiritual components. Can also include the use of standardized assessment instruments and an interdisciplinary care team to support the process.

"facility" means premises that have been purposely built or adapted to accommodate senior citizens with varying levels of care needs on a long-term basis. The premises shall have fittings and equipment specifically suited for the holistic provision of the residents' care and wellbeing.

"holistic assessment" means the process by which the staff identifies the needs and aspirations of community members in relation to their health, personal, emotional, spiritual, and psychological care, protection and social networking and family support; which services should be delivered to satisfy these needs and aspirations; "

"interdisciplinary team" means a team made up of a number of professionals from a range of disciplines working collaboratively to deliver comprehensive care that addresses the needs of individuals availing themselves of the service. The team works for a common purpose, shares common goals and responsibilities, and mobilises resources to fulfil its role;

"legally appointed representative" means a person that may be nominated by the residents to be kept informed about the residents' personal affairs and take decisions or act on the residents' behalf. Such persons cannot be part of the management or staff of the service provider. The residents may also be assigned a guardian by the Guardianship Board in which case certain decisions shall be taken by the guardian in accordance to the Civil Code;

Cap. 16.

"management" means persons who act on behalf of the service provider to provide leadership to staff and to oversee and control the proper functioning of services offered to the residents;

"performance indicator" means an active descriptor of what service providers need to do to ensure service outputs that support the quality indicators;

"personal care plan" means a document that is based on a holistic assessment of the resident that specifies how the

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resident's needs and aspirations are going to be met. This document shall also include the resources required to meet the resident's continuous and long-term needs;

"personalised portfolio" means a document that is based on the person's positive and negative experience that will cater for his specific needs;

"policies and procedures" means documents released by the management that regulate how the residential care home should operate;

"quality indicator" means a statement that sets out the requirements to achieve compliance with a standard;

"resident" means a senior citizen who personally, or through his legally appointed representative, enters into an agreement with a service provider for the senior citizen to live in and make use of services offered by a residential care home;

"residential care home" means premises that have been purposely built or adapted to accommodate senior citizens with varying levels of care needs on a long-term basis. The premises have fittings and equipment specifically suited for the holistic provision of the residents' care and wellbeing;

"restrictive care" means any method, physical or chemical, used to restrict the physical movement of a resident or part of the resident's body to protect the resident or others from injury. Restrictive care, physical or chemical, whenever used, should follow the guidelines set in accordance with the current local legislation. All restraints, physical or chemical, must be prescribed following an interdisciplinary care team meeting involving the resident, relatives or legally appointed representative and the rest of the team. Physical or chemical restraint use is to be documented in the necessary related forms. Restrictive care shall be used only with the consent of the senior citizen, of the relatives or legally appointed representative;

"risk assessment" means the process of evaluating the likelihood of adverse effects on residents, staff and third party safety and health from hazards or the absence of beneficial influences. It is a systematic examination of all aspects of a residential care home or an individual's capabilities that considers: what could cause injury or harm; whether the hazards could be eliminated or otherwise, what preventive or protective measures are, or should be, in place to control the risks;

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"senior citizen" means a person over the age of sixty with varying levels of dependency whose care needs will be holistically managed on a long-term basis by a residential care home;

"service agreement" means a written agreement between the service user and the service provider which sets out, among other things, services to be provided, associated fees and charges, if any, the terms and conditions and rights and responsibilities of both parties;

"service provider" means a person who, or organisation that, provides and operates a residential care home and associated care services to senior citizens on a long-term basis. The service providers shall fulfil any contractual obligations in force that may apply to them;

"staff" means a person engaged by the service provider, wherein one of the person's responsibilities is to provide residents with support, social and, or health care. Staff members may also assume administrative duties simultaneously with their caring roles. Staff members working in the administration of an organisation or a centre shall oversee the planning and implementation of organisational plans and actions and the enforcement of rules and procedures.".

SCHEDULE
(Regulation 2)

Standard 1: Residents' Rights

Standard Statement:

This standard aims to ensure that the residents' fundamental human rights to dignity and respect are safeguarded whilst preventing discrimination, promoting active participation, ensuring a holistic and dignified approach to care and respecting the residents', relatives' and legally appointed representatives' decisions and feedback.

Quality Indicators:

1. The service provider shall assist the prospective residents, their relatives, and their legally appointed representative in taking a decision on whether the residential care home is appropriate for their needs.

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2. The service provider shall ensure that the residents are treated equally with respect, dignity, and privacy.

3. The management and the staff shall support the residents to maintain existing relationships and develop new relationships.

4. The service provider shall maximise the residents' capacity to exercise personal autonomy and choice whilst considering their mental capabilities, shall ensure that their relatives and legally appointed representatives are aware of their choice, and shall ensure that the residents are given enough time when they need to take a decision.

5. The service provider shall appoint an events' coordinator and shall encourage the residents to actively take part in planning and participating in social and leisure activities.

6. The service provider shall ensure that the residents' legal rights are protected and shall ensure that the residents, their relatives, and legally appointed representatives shall be enabled to exercise their legal rights directly and participate in the civic process, if they want.

7. The service provider shall ensure that residents, their families, and other significant persons close to them are provided with optimal palliative care and support, as well as promote care, sensitivity, respect, and dignity during palliative care.

Standard 2: Personal Care Plan and Portfolio

Standard Statement:

This standard promotes rights that ensure the development, implementation, and review of a personal care plan and portfolio for each resident, to establish the holistic care and necessary support required and set objectives to meet the residents' needs and aspirations.

Quality Indicators:

1. The service provider shall ensure that the interdisciplinary care team involves each resident during the holistic needs assessment process and the comprehensive geriatric assessment upon admission, and shall ensure in writing that their needs will be met in the formulation, modification and review of the personal care plan and portfolio.

2. The service provider shall ensure that the personal care plan is implemented, and its implementation is documented and

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communicated regularly with all stakeholders.

Standard 3: Residents' Personal Health and Medical Care

Standard Statement:

This standard promotes rights that ensure the residents' personal health, nutrition, wellbeing and medical care are safeguarded and promoted. The service provider shall ensure medical coverage of the residential care home by appointing a medical doctor who would agree to offer their professional assistance whenever is required.

Quality Indicators:

1. The residents shall receive a varied, appealing, wholesome, and nutritious diet, which is suited to individually assessed and recorded requirements.

2. The service provider shall promote and safeguard the residents' physical and mental health and wellbeing and shall ensure access to all health care services to meet assessed needs.

3. The service provider shall support and where necessary assist the residents to obtain the prescribed medication they require in a safe manner.

Standard 4: Protection and Safeguarding

Standard Statement:

This standard promotes rights that ensure the protection, wellbeing, and safety of the residents.

Quality Indicators:

1. The service provider shall ensure that competent persons carry out an evaluation of hazards and risks within the residential care home, including individualised risk assessments.

2. The service provider shall ensure that the health, safety and welfare of all residents and the staff are promoted and protected at all times.

3. The service provider shall ensure that the residents are protected and safeguarded from any form of harassment and abuse.

4. The service provider shall ensure that all residents and their relatives and legally appointed representatives shall be confident that

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their complaints shall be listened to, taken seriously, and acted upon and that they shall be treated confidentially.

Standard 5: Physical Environment

Standard Statement:

This standard promotes rights that ensure that the environment is engaging, welcoming, familiar, pleasant, and meets the needs of the residents.

Quality Indicators:

1. The location, the layout and all the external spaces of the residential care home shall be appropriate for senior citizens.

2. The service provider shall ensure that the residential care home shall provide to all its residents accessible, safe, and comfortable indoor and outdoor communal and private facilities.

3. The service provider shall encourage residents to maintain the highest possible level of independence.

Standard 6: Service Provision

Standard Statement:

This standard promotes rights that ensure that the residents' transition to the residential care home is facilitated by receiving information prior to and upon access to the related provision of services, as well as the identification of alternative services, to meet the needs and aspirations of the residents.

Quality Indicators:

1. The service provider shall provide opportunities to residents to be in contact with the Authority and shall keep the said Authority informed whenever the residential care home is refurbished. The services at the residential care home are to be provided to meet the residents' assessed needs upon their admission and when these needs change.

2. The service provider shall make the transition for senior citizens to commence living in the residential care home as easy as possible and ensure that in cases of emergency or discontinuation of the service there are alternative plans for the relocation of the residents.

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Standard 7: Service Quality Management

Standard Statement:

This standard promotes rights that ensure that the service provider shall be responsible to deliver quality service and support based on continuous improvement in the most respectful and transparent manner.

Quality Indicators:

1. The service provider shall ensure that the residential care home is managed by a competent person, of good character and able to fulfil his responsibilities to the full.

2. The service provider shall implement transparent recruitment strategies and plan for the continuous development of the staff and ensure that staff are appropriately, regularly and adequately trained and supervised.

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