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WELSH STATUTORY INSTRUMENTS

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**2003 No. 781 (W.92)**

**CHILDREN AND YOUNG PERSONS, WALES  
SOCIAL CARE, WALES**

**The Residential Family Centres (Wales) Regulations 2003**

*Made* - - - - *18th March 2003*

*Coming into force* - - *1st September 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 4(6), 16(3), 22(1), (2)(a) to (d) and (f) to (j), (5)(a) and (c), (7)(a) to (j), 25(1), 34(1), 35(1), and 118(5) to (7) of the Care Standards Act 2000<sup>(1)</sup> and having consulted such persons as it considers appropriate<sup>(2)</sup> hereby makes the following Regulations:—

**PART I  
GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Residential Family Centres (Wales) Regulations 2003 and shall come into force on 1st September 2003.

(2) These Regulations apply in relation to residential family centres in Wales.

**Interpretation**

2.—(1) In these Regulations—

“the 2000 Act” (“*y Deddf 2000*”) means the Care Standards Act 2000;

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989<sup>(3)</sup>

“appropriate office” (“*swyddfa briodol*”) means in relation to a residential family centre —

(a) if an office has been specified under paragraph (5) for the area in which the residential family service is situated, that office;

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(1) 2000 c. 14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the 2000 Act, in relation to Wales, as the National Assembly for Wales and, in relation to England, Scotland and Northern Ireland, as the Secretary of State. “Prescribed” and “regulations” are defined in section 121(1) of that Act.

(2) See section 22(9) of the 2000 Act for the requirement to consult.

(3) 1989 c. 41

- (b) in any other case, any office of the National Assembly;
- “child protection enquiry” (“*ymholiad amddiffyn plant*”) has the meaning given to it by regulation 12(3)(a);
- “family” (“*teulu*”) means a child and his or her parent accommodated or to be accommodated together in a residential family centre, and the expression “member of the family” (“*aelod o'r teulu*”) shall be construed accordingly;
- “general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner who—
- (a) provides general medical services under Part II of the National Health Service Act 1977(4),
  - (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(5); or
  - (c) provides services which correspond to services provided under Part II of the National Health Service Act 1977 otherwise than in pursuance of that Act;
- “National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;
- “organisation” (“*corff*”) means a body corporate;
- “parent” has the meaning given to it by section 4(2) of the 2000 Act ;
- “placement plan” (“*cynllun lleoliad*”) means the plan prepared in accordance with regulation 13;
- “placing authority” (“*awdurdod lleoli*”) means, in relation to a family, the local authority or other body responsible for arranging for the family to be accommodated in a residential family centre;
- “registered manager” (“*rheolwr cofrestredig*”), in relation to a residential family centre, means a person who is registered under Part II of the Act as the manager of the residential family centre;
- “registered person” (“*person cofrestredig*”), in relation to a residential family centre, means any person who is the registered provider or the registered manager of the residential family centre;
- “registered provider” (“*darparnydd cofrestredig*”), in relation to a residential family centre, means a person who is registered under Part II of the 2000 Act as the person carrying on the residential family centre;
- “resident” (“*trigolyn*”) means any person who is for the time being accommodated in a residential family centre;
- “responsible individual” (“*unigolyn cyfrifol*”) shall be construed in accordance with regulation 5; and
- “statement of purpose” (“*datganiad o ddiben*”) means the written statement compiled in accordance with regulation 4.

(2) In these Regulations, save where otherwise provided, references to a child do not include a parent accommodated in a residential family centre who is under the age of 18.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

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(4) 1977 c. 49.

(5) 1997 c. 46.

- (4) In these Regulations, a reference—
- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number; and
  - (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number.
- (5) The National Assembly may specify an office controlled by it as the appropriate office in relation to a residential family centre situated in a particular part of Wales.

### **Excepted establishments**

- 3.** For the purposes of the 2000 Act, an establishment is excepted from being a residential family centre if —
- (a) it is a health service hospital, an independent hospital, an independent clinic or a care home;
  - (b) it is a hostel or a domestic violence refuge; or
  - (c) in any other case, the main purpose of the establishment is to provide accommodation together with other services or facilities to adult individuals, and the fact that those individuals may be parents, or may be accompanied by their children, is incidental to the main purpose of the establishment.

### **Statement of Purpose**

- 4.—(1)** The registered person must compile in relation to the residential family centre a written statement (in these Regulations referred to as “the statement of purpose”) which must consist of a statement as to the matters listed in Schedule 1.
- (2) The registered person must provide a copy of the statement of purpose to the appropriate office of the National Assembly and must make a copy of it available, upon request, for inspection by —
- (a) any person who works at the residential family centre;
  - (b) any resident;
  - (c) any local authority exercising any functions under the 1989 Act relating to the residential family centre.
- (3) The registered person must produce a written guide to the residential family centre (the “resident’s guide”) which includes a summary of the statement of purpose, and must supply a copy of it to the appropriate office of the National Assembly and to each parent accommodated in the residential family centre.
- (4) The registered person must —
- (a) keep under review and where appropriate revise the statement of purpose and resident’s guide; and
  - (b) notify the appropriate office of the National Assembly within 28 days of any such revision.
- (5) Subject to paragraph (6) the registered person must ensure that the residential family centre is at all times conducted in a manner which is consistent with its statement of purpose.
- (6) Nothing in paragraph (5) or in regulations 14(1) or 21(1) shall require or authorise the registered person to contravene or not comply with —
- (a) any other provision of these Regulations; or
  - (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the 2000 Act.

## PART II

### REGISTERED PERSONS

#### **Fitness of registered provider**

- 5.—(1) A person must not carry on a residential family centre unless he or she is fit to do so.
- (2) A person is not fit to carry on a residential family centre unless the person —
- (a) is an individual who satisfies the requirements set out in paragraph (3); or
  - (b) is an organisation and —
    - (i) the organisation has given notice to the National Assembly of the name, address and position in the organisation of an individual (in these regulations referred to as “the responsible individual” who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the residential family centre; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that —
- (a) the individual is of suitable integrity and good character to carry on the residential family centre;
  - (b) the individual is physically and mentally fit to carry on the residential family centre; and
  - (c) full and satisfactory information is available in relation to the individual —
    - (i) in respect of each matter specified in paragraphs 1 to 6 of Schedule 2:
    - (ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2;
    - (iii) and further, where paragraph (4) applies, in a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999<sup>(6)</sup> and regulations made under section 218 of the Education Reform Act 1988<sup>(7)</sup>.
- (4) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.
- (5) A person is not fit to carry on a residential family centre if —
- (a) that person has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - (b) he or she has made a composition or arrangement with his or her creditors, and has not been discharged in respect of it.

#### **Appointment of manager**

- 6.—(1) The registered provider must appoint an individual to manage a residential family centre if —
- (a) there is no registered manager in respect of the residential family centre; and
  - (b) the registered provider—
    - (i) is an organisation;
    - (ii) is not a fit person to manage a residential family centre; or

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(6) 1999 c. 14.

(7) 1988 c. 40.

(iii) is not, or does not intend to be, in full-time day to day charge of the residential family centre.

(2) Where the registered provider appoints a person to manage the residential family centre, the registered provider must forthwith give notice to the appropriate office of the National Assembly of —

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

### **Fitness of manager**

7.—(1) A person must not manage a residential family centre unless he or she is fit to do so.

(2) A person is not fit to manage a residential family centre unless—

- (a) the person is of suitable integrity and good character to manage the residential family centre;
- (b) having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents —
  - (i) the person has the qualifications, skills and experience necessary to manage the centre; and
  - (ii) the person is physically and mentally fit to do so;
- (c) full and satisfactory information is available in relation to the person —
  - (i) in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
  - (ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2;
  - (iii) and further, where paragraph (3) applies, in a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999<sup>(8)</sup> and regulations made under section 218 of the Education Reform Act 1988<sup>(9)</sup>.

(3) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.

### **Registered person — general requirements**

8.—(1) The registered provider and the registered manager must, having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents, carry on or manage the centre (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is —

- (a) an individual, he or she must undertake; or
- (b) an organisation, it must ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that he or she has the skills necessary for carrying on the residential family centre.

(3) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the skills necessary for managing the residential family centre.

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<sup>(8)</sup> 1999 c. 14.

<sup>(9)</sup> 1988 c. 40.

### **Notification of offences**

9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she must forthwith give notice in writing to the appropriate office of the National Assembly of —

- (a) the date and place of the conviction;
- (b) the offence of which he or she was convicted; and
- (c) the penalty imposed in respect of the offence.

## **PART III**

### **CONDUCT OF RESIDENTIAL FAMILY CENTRES**

#### **Health and welfare of residents**

10.—(1) The registered person must ensure that the residential family centre is conducted so as to —

- (a) promote and make proper provision for the health and welfare of residents;
- (b) make such provision for the care, treatment, education and supervision of residents as is appropriate to their age and needs;

(2) The registered person must, so far as is practicable, ascertain and take into account the wishes and feelings of residents when making decisions concerning their health and welfare, or the manner in which they are treated.

(3) The registered person must make suitable arrangements to ensure that the residential family centre is conducted —

- (a) in a manner which respects the privacy and dignity of residents; and
- (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of residents.

(4) In complying with this regulation, the registered person must, wherever there is a conflict between the interests of the members of a family, treat the welfare of the child in that family as paramount.

#### **Further requirements as to health and welfare**

11.—(1) The registered person must make arrangements for residents to have access to such medical advice or treatment as may be necessary.

(2) The registered person must make arrangements for the recording, handling, safe keeping, safe administration and safe disposal of medicines received into the residential family centre.

(3) The registered person must make suitable arrangements to prevent infection, toxic conditions and the spread of infection at the residential family centre.

(4) The registered person must ensure that —

- (a) all parts of the residential family centre to which residents have access are so far as reasonably practicable free from hazards to their safety;
- (b) any activities in which residents participate are so far as reasonably practicable free from avoidable risks; and
- (c) unnecessary risks to the health or safety of residents are identified and so far as possible eliminated.

(5) The registered person must make arrangements, by training persons working at the residential family centre or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.

(6) The registered person must ensure that no resident is subject to physical restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other resident and there are exceptional circumstances.

(7) On any occasion on which a resident is subject to physical restraint, the registered person must record the circumstances, including the nature of the restraint.

(8) The registered person must ensure that persons working at the residential family centre use no form of corporal punishment at any time on any child or parent under the age of 18 who is accommodated in a residential family centre.

### **Arrangements for the protection of children**

**12.—**(1) The registered person must prepare and implement a written child protection policy which —

- (a) is intended to safeguard children accommodated in the residential family centre from abuse or neglect; and
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) must in particular provide for —
- (a) liaison and co-operation with any local authority which is making child protection enquiries in relation to any child accommodated in the residential family centre;
  - (b) the prompt referral to the local authority in whose area the residential family centre is situated, of any allegations of abuse or neglect affecting any child accommodated in the residential family centre;
  - (c) notification of the instigation and outcome of any child protection enquiries involving any child accommodated in the residential family centre, to the appropriate office of the National Assembly;
  - (d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;
  - (e) consideration to be given in each case to the measures which may be necessary to protect children in the residential family centre following an allegation of abuse or neglect;
  - (f) a requirement for employees of the registered person to report any concerns about the welfare or safety of any child accommodated at the residential family centre to one of the following —
    - (i) the registered person;
    - (ii) a police officer;
    - (iii) an officer of the appropriate office of the National Assembly;
    - (iv) an officer of the local authority for the area in which the residential family centre is situated, or
    - (v) an officer of the National Society for the Prevention of Cruelty to Children;
  - (g) arrangements to be made for residents and persons working at the residential family centre, to have access at all times and in an appropriate form, to information which would enable them to contact the local authority for the area in which the residential family centre is situated, or the appropriate office of the National Assembly concerning the welfare or safety of children accommodated in the residential family centre.

(3) In this regulation—

- (a) “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the 1989 Act relating to the protection of children; and
- (b) “child” also includes any parent who is under the age of 18.

(4) The registered person must prepare and implement a written policy for the prevention of bullying in the residential family centre which includes, in particular, a procedure for dealing with an allegation of bullying.

### **Placements**

**13.**—(1) The registered person must before providing a family with accommodation at the residential family centre, or if that is not reasonably practicable, as soon as possible thereafter, draw up in consultation with the placing authority a written plan (in these Regulations referred to as “the placement plan”) setting out, in particular —

- (a) the facilities and services to be provided during the course of the placement;
- (b) the objectives and intended outcome of the placement.

(2) The registered person must keep under review and revise the placement plan as necessary.

(3) In preparing or reviewing the placement plan the registered person must, so far as practicable —

- (a) seek and take account of the views of the members of the family;
- (b) take account of any relevant assessment or other report relating to any member of the family which may be provided by the placing authority.

(4) The registered person must supply a copy of the placement plan and any revision of it to the placing authority and to the parent within the family to which it relates.

### **Facilities and services**

**14.**—(1) Subject to regulation 4(6), the registered person must provide facilities and services to residents in accordance with the statement of purpose.

(2) The registered person, must having regard to the size of the residential family centre and the number and needs of residents —

- (a) provide telephone facilities which are suitable for the needs of residents, and make arrangements to enable residents to use such facilities in private;
- (b) provide in rooms occupied by families adequate furniture, bedding and other furnishings, including curtains, floor coverings, and equipment;
- (c) provide adequate laundry facilities for parents to wash, dry and iron clothes and linen for their families;
- (d) provide sufficient and suitable cleaning materials and equipment;
- (e) provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils, and adequate facilities for the storage of food;
- (f) provide suitable facilities for parents to prepare food for their families, and suitable dining facilities for residents;
- (g) take adequate precautions against risk of accidents, including the training of persons working at the residential family centre in first aid;
- (h) provide a place where the money and valuables of residents may be deposited for safe keeping; and
- (i) provide adequate facilities for recreation and leisure.



### **Staffing of residential family centre**

15. The registered person must ensure that there is, having regard to —

- (a) the statement of purpose of the residential family centre, its size and the numbers and needs of its residents; and
- (b) the need to safeguard and promote the health and welfare of residents,

a sufficient number of suitably qualified, competent and experienced persons working for the residential family centre.

### **Fitness of workers**

16.—(1) The registered person must not —

- (a) employ a person to work for the purposes of the residential family centre unless that person is fit to work for a residential family centre; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the residential family centre unless that person is fit to work for a residential family centre.

(2) This paragraph applies to any person who is employed by a person other than the registered person in a position in which he may in the course of his duties have regular contact with residents.

(3) For the purposes of paragraph (1), a person is not fit to work for a residential family centre unless —

- (a) he or she has the qualifications, skills and experience necessary for the work he or she is to perform;
- (b) he or she is physically and mentally fit for the purposes of the work he or she is to perform; and
- (c) full and satisfactory information in relation to each of the matters listed in Schedule 2 has been obtained in relation to him or her.

(4) The registered person must take reasonable steps to ensure that any person working for a residential family centre who is not employed by the registered person and to whom paragraph (2) does not apply is appropriately supervised while carrying out his or her duties.

### **Employment of staff**

17.—(1) The registered person must —

- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The registered person must operate a disciplinary procedure which, in particular —

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children in the residential family centre;
- (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse of a child in the residential family centre to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(3) For the purposes of paragraph (2)(b), an appropriate person is —

- (a) the registered person;
- (b) an officer of the appropriate office of the National Assembly;
- (c) a police officer;

- (d) an officer of the local authority in whose area the residential family centre is situated; or
  - (e) an officer of the National Society for the Prevention of Cruelty to Children.
- (4) In paragraph (2), “child” also includes a parent who is under the age of 18.
- (5) The registered person must ensure that all persons employed by him or her —
- (a) receive appropriate training, supervision and appraisal; and
  - (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **Staff views as to conduct of residential family centre**

**18.**—(1) This regulation applies to any matter relating to the conduct of the residential family centre so far as it may reflect the health or welfare of residents.

(2) The registered person must make arrangements to enable persons working at the residential family centre to inform the registered person and the appropriate office of the National Assembly about any matter to which this regulation applies.

### **Records**

**19.**—(1) The registered person must maintain in respect of each family accommodated in the residential family centre a record which —

- (a) includes the information, documents and other records specified in Schedule 3 relating to the members of the family;
- (b) is kept up to date; and
- (c) is retained in a place of security for a period of fifteen years from the date of the last entry.

(2) The record referred to in paragraph (1) must be kept securely and is not be disclosed to any person except in accordance with —

- (a) any provision of, or made under or by virtue of a statute under which access to such records is authorised; or
- (b) any court order authorising access to such records.

(3) The registered person must also maintain the records specified in Schedule 4 in respect of the residential family centre.

(4) The registered person must ensure that the records referred to in paragraph (3) are —

- (a) kept up to date;
- (b) at all times available for inspection in the residential family centre by any person authorised by the appropriate office of the National Assembly to enter and inspect the residential family centre; and
- (c) retained for a period of not less than three years from the date of the last entry.

(5) A record kept in accordance with paragraph (1) must be retained in the residential family centre so long as the family to which it relates is accommodated there.

### **Complaints**

**20.**—(1) The registered person must establish a procedure (“the complaints procedure”) for considering complaints made to the registered person by a resident or a person acting on behalf of a resident.

(2) The registered person must ensure that any complaint made under the complaints procedure is fully investigated.

(3) The registered person must provide a written copy of the complaints procedure on request to any resident and any person acting on behalf of a resident.

(4) The written copy of the complaints procedure must include —

- (a) the name and address of the appropriate office of the National Assembly, and
- (b) the procedure (if any) that has been notified by the of the appropriate office of the National Assembly to the registered person for the making of complaints to the appropriate office of the National Assembly relating to residential family centres.

(5) The registered person must, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the action (if any) that is to be taken.

(6) The registered person must ensure that a written record is made of any complaint or representation, the action taken in response, and the outcome of the investigation.

(7) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken.

## **PART IV**

### **PREMISES**

#### **Fitness of premises**

**21.**—(1) Subject to regulation 4(6), the registered person must not use premises for the purposes of a residential family centre unless —

- (a) the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose; and
- (b) the location of the premises is appropriate to the needs of residents.

(2) The registered person must ensure that —

- (a) the physical design and layout of the premises to be used as the residential family centre meet the needs of families;
- (b) the premises to be used as the residential family centre are of sound construction and kept in a good state of repair externally and internally;
- (c) all parts of the residential family centre are kept clean and reasonably decorated;
- (d) adequate private and communal accommodation is provided for families;
- (e) the size and layout of rooms occupied or used by families are suitable for their needs, and each family is provided with at least one room for its exclusive use;
- (f) suitable facilities are provided for residents to meet, in private, with any person authorised by the appropriate office of the National Assembly;
- (g) there are provided at appropriate places in the premises sufficient numbers of lavatories, and of wash-basins, baths and showers fitted with a hot and cold water supply;
- (h) the premises are equipped with what is reasonably necessary, and adapted as necessary, in order to meet the needs arising from the disability of any disabled resident;
- (i) suitable facilities are provided for private study for any resident requiring them;
- (j) external grounds which are suitable for, and safe for use by, residents are provided and appropriately maintained;

- (k) adequate ventilation, heating and lighting is provided in all parts of the residential family centre which are used by residents.
- (3) The registered person must provide for persons working at the residential family centre —
  - (a) suitable facilities and accommodation, other than sleeping accommodation, including —
    - (i) facilities for the purpose of changing;
    - (ii) storage facilities;
  - (b) sleeping accommodation where the provision of such accommodation is needed for persons working at the residential family centre in connection with their work.

### **Fire Precautions**

- 22.**—(1) The registered person must after consultation with the fire authority —
- (a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment,
  - (b) provide adequate means of escape,
  - (c) make adequate arrangements —
    - (i) for detecting, containing and extinguishing fires;
    - (ii) for giving warnings of fires;
    - (iii) for the evacuation, in the event of fire, of all persons in the residential family centre and safe placement of residents;
    - (iv) for the maintenance of all fire equipment; and
    - (v) for reviewing fire precautions, and testing fire equipment, at suitable intervals;
  - (d) make arrangements for persons working at the residential family centre to receive suitable training in fire prevention; and
  - (e) ensure, by means of fire drills and practices at suitable intervals, that the persons working at the residential family centre and, so far as practicable, residents, are aware of the procedure to be followed in case of fire, including the procedure for saving life.
- (2) In this regulation, “fire authority” means the authority discharging in the area in which a residential family centre is situated, the function of fire authority under the Fire Services Act 1947<sup>(10)</sup>.

## **PART V MANAGEMENT**

### **Review of quality of care**

- 23.**—(1) The registered person must establish and maintain a system for —
- (a) reviewing at appropriate intervals, and
  - (b) improving,
- the quality of care provided at the residential family centre.

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(10) 1947 c. 41.

(2) The registered person must supply to the appropriate office of the National Assembly a report in respect of any review conducted by him or her for the purposes of paragraph (1), and make a copy of the report available to residents.

(3) The system referred to in paragraph (1) must provide for consultation with residents.

### **Financial position**

**24.**—(1) The registered person must carry on the residential family centre in such manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person must provide the appropriate office of the National Assembly with such information and documents as it may require for the purpose of considering the financial viability of the residential family centre, including —

- (a) the annual accounts of the residential family centre certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (c) information as to the financing and financial resources of the residential family centre;
- (d) where the registered provider is a company, information as to any of its associated companies;
- (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him or her in relation to the residential family centre in respect of death, injury, public liability, damage or other loss.

(3) In this regulation a company is an associated company of another if one of them has control of the other or both are under the control of the same person.

### **Visits by registered provider**

**25.**—(1) Where the registered provider is an individual, but is not in day-to-day charge of the residential family centre, he or she must visit the residential family centre in accordance with this regulation.

(2) Where the registered provider is an organisation, the residential family centre must be visited in accordance with this regulation by —

- (a) the responsible individual;
- (b) another of the directors or other persons responsible for the management of the organisation; or
- (c) an employee of the organisation who is not directly concerned with the conduct of the residential family centre.

(3) Visits under paragraph (1) or (2) shall take place at least once a month and may be unannounced.

(4) The person carrying out the visit must —

- (a) interview, with their consent and in private, such of the residents and persons working at the residential family centre as appears necessary in order to form an opinion of the standard of care provided in the residential family centre;
- (b) inspect the premises of the residential family centre, its daily log of events and records of any complaints; and
- (c) prepare a written report on the conduct of the residential family centre.

(5) The registered provider must supply a copy of the report required to be made under paragraph (4)(c) to —

- (a) the appropriate office of the National Assembly;
- (b) the registered manager; and
- (c) in the case of a visit under paragraph (2) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation.

## PART VI

### MISCELLANEOUS

#### **Notification of death, illness and other events**

**26.—**(1) The registered person must give notice to the appropriate office of the National Assembly without delay of the occurrence of —

- (a) the death of any resident, including the circumstances of his or her death;
- (b) the outbreak in the residential family centre of any infectious disease which in the opinion of any registered medical practitioner attending residents of the residential family centre is sufficiently serious to be so notified;
- (c) any serious accident, serious injury or serious illness sustained by a resident;
- (d) any serious incident in the residential family centre necessitating the calling of police to the residential family centre;
- (e) any child protection enquiry involving any resident, which relates to any concern arising during the period in which a person is accommodated in a residential family centre;
- (f) any allegation of misconduct by the registered person or by any person who works at the residential family centre.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

#### **Notice of absence**

**27.—**(1) Where —

- (a) the registered provider if he or she is the person in day-to-day charge of the residential family centre, or
- (b) the registered manager,

proposes to be absent from the residential family centre for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the National Assembly of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given at least 28 days before the proposed absence is to start, or within such shorter period as may be agreed with the appropriate office of the National Assembly, and the notice must specify —

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the residential family centre during that absence;

- (d) the name, address and qualifications of the person who will be responsible for the residential family centre during the absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the residential family centre during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where —

- (a) the registered provider if he or she is the person in day-to-day charge of the residential family centre; or
- (b) the registered manager,

has been absent from the residential family centre for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person must without delay give notice in writing to the appropriate office of the National Assembly specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person must inform the appropriate office of the National Assembly of the return to work of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his or her return.

### **Notice of changes**

**28.** The registered person must give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if any of the following events takes place or is proposed to take place —

- (a) a person other than the registered person carries on or manages the residential family centre;
- (b) a person ceases to carry on or manage the residential family centre;
- (c) where the registered person is an individual, he or she changes his or her name;
- (d) where the registered provider is an organisation —
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
  - (iii) there is to be any change of responsible individual;
- (e) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (f) where the registered provider is a company, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) where a registered provider is in a partnership whose business includes carrying on a residential family centre, a receiver or manager is, or is likely to be, appointed for the partnership.
- (h) the premises of the residential family centre are to be significantly altered or extended, or additional premises are acquired.

### **Appointment of liquidators etc.**

**29.—(1)** Any person to whom paragraph (2) applies must —

- (a) forthwith notify the appropriate office of the National Assembly of his or her appointment indicating the reasons for it;
  - (b) appoint a manager to take full-time day-to-day charge of the residential family centre in any case where there is no registered manager; and
  - (c) within 28 days of his or her appointment, notify the appropriate office of the National Assembly of his or her intentions regarding the future operation of the residential family centre.
- (2) This paragraph applies to any person appointed as —
- (a) the receiver or manager of the property of a company which is a registered provider of a residential family centre;
  - (b) a liquidator or provisional liquidator of a company which is the registered provider of a residential family centre;
  - (c) the receiver or manager of the property of a partnership whose business includes carrying on a residential family centre; or
  - (d) the trustee in bankruptcy of a registered provider of a residential family centre.

### **Death of registered person**

**30.**—(1) If more than one person is registered in respect of a residential family centre, and a registered person dies, the other registered person must without delay notify the appropriate office of the National Assembly of the death in writing.

(2) If only one person is registered in respect of a residential family centre, and that person dies, his or her personal representatives must notify the appropriate office of the National Assembly in writing —

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future operation of the residential family centre.

(3) The personal representatives of a deceased registered provider may carry on the residential family centre without being registered in respect of it —

- (a) for a period not exceeding 28 days;
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The appropriate office of the National Assembly may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the appropriate office of the National Assembly shall determine and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives must appoint a person to take full-time day-to-day charge of the residential family centre during any period in which in accordance with paragraph (3), they carry on the residential family centre without being registered in respect of it.

### **Offences**

**31.**—(1) A contravention or failure to comply with any of the provisions of regulations 4 to 28 shall be an offence.

(2) The appropriate office of the National Assembly may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 19.



### **Compliance with regulations**

**32.** Where there is more than one registered person in respect of a residential family centre, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

### **Fees**

**33.**—(1) The Registration of Social Care and Independent Healthcare (Fees)(Wales) Regulations 2002<sup>(11)</sup> are amended in accordance with the following provisions of this regulation.

(2) In the paragraph headed “Arrangement of Regulations”, the following line shall be added at the end — “11. Annual fee — residential family centres.”

(3) In regulation 2(1),

- (a) in the definition of “establishment” after the words “children’s home,” there shall be added “residential family centre,”
- (b) in the definition of “statement of purpose” there shall be added “(e) in relation to residential family centres, the written statement required to be compiled in relation to the residential family centre in accordance with regulation 4(1) of the Residential Family Centres (Wales) Regulations 2003;”

(4) After regulation 10 (Annual fee — boarding schools and colleges), there shall be inserted the following regulation —

#### **“Annual fee — residential family centres**

**11.**—(1) The annual fee in respect of a residential family centre which shall be paid by the registered provider shall be the sum of the amounts identified in sub-paragraphs (a) and (b) —

- (a) £400;
- (b) £50 multiplied by the relevant number, except that if the product of that multiplication is a negative number the product of the multiplication shall instead be deemed to be zero for the purposes of the summation performed under this paragraph.

(2) The relevant number for the purposes of paragraph (1) in respect of a residential family centre is the number of approved places at the centre, minus the number three.

(3) In the case of a residential family centre providing accommodation for any family on the date on which the Residential Family Centres (Wales) Regulations 2003 come into force the annual fee shall first be payable on 1st March 2004 and, in all other cases, on the date of the establishment of the residential family centre.

(4) Thereafter the annual fee shall be payable every year on the anniversary of the date on which it was first payable.”

### **Transitional Provisions**

**34.**—(1) This regulation applies to any person who carries on a residential family centre and duly makes an application for registration before 31st December 2003 under Part II of the 2000 Act (“the unregistered provider”).

(2) Section 11(1), (5) and (6) of the 2000 Act will not apply to an unregistered provider in respect of the establishment —

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<sup>(11)</sup> S.I.2002/921 as amended by the Inspection of Boarding Schools and Colleges (Powers and Fees) (Wales) Regulation 2002 (S.I. 2002/3161).

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing between the provider and the National Assembly; or
- (b) if the application is granted subject to conditions which have not been so agreed, or refused —
  - (i) if no appeal is brought, until the expiration of the period of 28 days after service on the provider of the National Assembly's decision; or
  - (ii) if an appeal is brought, until it is determined or abandoned.
- (3) This paragraph applies where —
  - (a) the National Assembly applies to a justice of the peace for an order that section 11(1),(5) and (6) of the 2000 Act should apply to an unregistered provider and that paragraph (2) of this regulation should cease to apply to that unregistered provider; and
  - (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being.
- (4) Where paragraph (3) applies —
  - (a) the justice may make the order referred to in that paragraph;
  - (b) section 11 of the 2000 Act will apply to the unregistered provider,and paragraph (2) of this regulation shall cease to apply to the unregistered provider, from the time when the order is made.
- (5) Section 20(2), (4) and (5) of the 2000 Act will apply to any application made to a justice under paragraph (3), and to any order made under paragraph (4), as if the application or order (as the case may be) were made under section 20(1) of the 2000 Act and applied to the unregistered provider.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(12)

18th March 2003

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## SCHEDULE 1

Regulation 4(1)

### INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

1. A statement of the aims and objectives of the residential family centre.
2. A statement of the facilities and services, including details of the type of accommodation, to be provided by the residential family centre.
3. The name and address of the registered provider and of any registered manager.
4. The relevant qualifications and experience of the registered provider and registered manager.
5. The number, relevant qualifications and experience of persons working at the residential family centre.
6. The organisational structure of the residential family centre.
7. The fees and charges of the residential family centre.
8. The criteria for admission to the residential family centre, including, as applicable, the minimum and maximum ages (if any) of parents and children to be accommodated.
9. A description of the underlying ethos and philosophy of the residential family centre, and where this is based on any theoretical or therapeutic model, a description of that model.
10. A description of any specific assessment, monitoring or therapeutic techniques to be used in the residential family centre and of the arrangements for their supervision.
11. A description of the advice, guidance and counselling provided, including the arrangements for professional supervision.
12. The fire precautions and associated emergency procedures in the residential family centre.
13. The arrangements for dealing with complaints.
14. The rules and conditions applying to residents, and the circumstances in which placements may be terminated.
15. The arrangements for respecting the privacy and dignity of residents.
16. The policy relating to the use of drugs and alcohol in the residential family centre.
17. The residential family centre's confidentiality policy.
18. The arrangements for protecting children.

## SCHEDULE 2

Regulations 5,7,16

### INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO CARRY ON, MANAGE OR WORK AT A RESIDENTIAL FAMILY CENTRE

1. Positive proof of identity.
2. Either —
  - (a) if the position falls within section 115(3) of the Police Act 1997(13), an enhanced criminal record certificate issued under section 115 of that Act; or

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(13) 1997 c. 50. A position is within section 115(3) if it involves regularly caring for, training, supervising or the holder being in sole charge of persons aged under 18.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(b) in any other case, a criminal record certificate issued under section 113 of that Act, including in either case, the result of checks made in accordance with, as the case may be, section 113(3A) or 115(6A) of that Act.

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 work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

7. A police check being a report produced by or on behalf of a chief officer of police within the meaning of the Police Act 1996 which records, as at the time the report is produced, all criminal offences —

- (a) for which the person had been convicted including convictions which are spent within the meaning of the Rehabilitation of Offenders Act 1974(14) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(15); or
- (b) in respect of which the person has been cautioned and which, at the time the caution was given, the person admitted.

### SCHEDULE 3

Regulation 19(1)(a)

#### INFORMATION TO BE INCLUDED IN CASE RECORDS

1. In respect of each member of the family —

- (a) his full name and home address;
- (b) any name by which he has previously been known;
- (c) his date of birth and sex;
- (d) his religious persuasion (if any); and
- (e) a description of his racial origin, cultural and linguistic background.

2. The name of the placing authority, if any, and the name, address and telephone number of a representative of that authority.

3. The name, address and telephone number of any social worker for the time being assigned to any member of the family.

4. The terms of any court order under which the family is provided with accommodation in the residential family centre.

5. The name and address of the general practitioner in whose list the members of the family are included.

6. The name, address and telephone number of any school, college or place of work attended by any member of the family.

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(14) 1974 c. 53

(15) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, S.I. 1986/2268 and S.I. 2001/1192.

7. The date and circumstances of any serious incident involving any member of the family, and of any disciplinary measures or physical restraint used on any member of the family.

8. Any special dietary, dental or other health needs, including details of any allergies, of any member of the family.

9. Details of any medicines kept for any member of the family at the residential family centre, and of any medicines administered to any resident by a person working at the residential family centre.

10. Details of any accident or serious illness sustained by any member of the family whilst accommodated at the residential family centre.

11. Arrangements for, including any restrictions on, contact between any child accommodated in the residential family centre and any other relevant person, and details of any court orders relating to contact with the child by any person.

12. Details of any period of absence from the residential family centre by any member of the family, and whether or not the absence was authorised by the registered person.

13. A copy of the placement plan and any revision of it.

14. A record of any money or valuables deposited by any member of the family for safekeeping, together with the date on which that money was withdrawn, or any valuables were returned.

15. The address, and type of establishment or accommodation, to which the family goes when leaving the residential family centre.

#### SCHEDULE 4

Regulation 19(3)

#### **OTHER RECORDS WITH RESPECT TO RESIDENTIAL FAMILY CENTRES**

1. A copy of the statement of purpose.
2. A record in the form of a register showing —
  - (a) the name, address, date of birth and marital status of each member of each family;
  - (b) the date on which he or she took up residence at the residential family centre;
  - (c) the date on which, and the reason why, he or she ceased to be accommodated there;
  - (d) the name of the person or organisation responsible for arranging the family's stay in the residential family centre;
  - (e) the name and address of the general practitioner and social worker if any, of each member of the family;
  - (f) in the case of a child, any court order to which he or she is subject;
  - (g) in the case of a child who is subject to a care order, the name, address and telephone number of the designated local authority and of the officer of the authority responsible for the child's case.
3. A statement of the procedure to be followed in the event of accidents or in the event of a resident going missing.
4. A statement of the procedure to be followed in the event of a fire.
5. A record of every fire practice, drill or test of fire equipment (including fire alarms) conducted in the residential family centre and of any action taken to remedy defects in the fire equipment.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6. A daily log of events occurring in the residential family centre which must include details of any of the following events affecting residents —
    - (a) any accident;
    - (b) any incident which is detrimental to the health or welfare of a resident, including the outbreak of infectious disease;
    - (c) any injury or illness to any resident;
    - (d) any fire;
    - (e) any theft or burglary.
  7. A record showing in respect of each person employed at the residential family centre —
    - (a) full name;
    - (b) sex;
    - (c) date of birth;
    - (d) home address;
    - (e) qualifications relevant to, and experience of work involving children;
    - (f) the position held by that person, and the average number of hours worked by him or her per week.
  8. A copy of any report made under regulation 25.
  9. A record of all complaints made by residents or by persons working at the residential family centre about the operation of the residential family centre, and the action taken by the registered person in respect of any such complaint.
  10. A record of the charges made, and fees paid, by or in respect of each family, including any extra amounts payable for additional services not covered by those charges, and the amounts paid by or in respect of each resident.
  11. A copy of the staff duty roster of persons working at the residential family centre, and a record of the actual rosters worked.
  12. A record of all visitors to the residential family centre.
  13. A record of all accounts kept in the residential family centre
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply in relation to residential family centres in Wales. Parts I and II of the Act provide for the National Assembly for Wales, in relation to Wales, to register and inspect establishments and agencies. The Act also provides for the Assembly to make regulations governing the conduct of establishments and agencies in relation to Wales.

Regulation 3 excludes certain establishments from the definition of a residential family centre under section 1 of the Act. These include any establishment which is a health service hospital, independent hospital, independent clinic, care home, hostel or domestic violence refuge.

Under regulation 4, each residential family centre must have a statement of purpose consisting of the matters set out in schedule 1, and a resident's guide to the centre. The residential family centre must be carried on in a manner which is consistent with the statement of purpose.

Part II makes provision about the persons carrying on or managing the home, and requires satisfactory information to be available in relation to the matters prescribed in schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 5). Regulation 6 prescribes the circumstances where a manager must be appointed for the residential family centre, and regulation 8 imposes general requirements in relation to the proper conduct of the residential family centre, and the need for appropriate training.

Part III makes provision about the conduct of residential family centres, in particular as to health and welfare of residents, child protection and the drawing up of placement plans. Provision is also made about the staffing of residential family centres, and the fitness of workers, and about complaints and record keeping.

Part IV makes provision about the suitability of premises, and the fire precautions to be taken. Part V deals with the management of residential family centres. Regulation 23 requires the registered person to review the quality of care provided at the residential family centre. Regulation 24 imposes requirements as to the financial position of the residential family centre. Regulation 25 requires the registered provider to visit the residential family centre as prescribed.

Part VI deals with miscellaneous matters including the giving of notices to the Assembly. Regulation 31 provides for offences, a breach of the regulations specified in regulation 31 may found an offence on the part of the registered person. Regulation 33 amends The Regulation of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002 by prescribing the annual fee in respect of the registration of residential family centres.