
STATUTORY INSTRUMENTS

2001 No. 3965

The Care Homes Regulations 2001

**PART VI
CHILDREN**

Application of this Part

27. The provisions of this Part shall apply where any child is accommodated in the care home.

Interpretation

28. In regulation 2, paragraph (1) shall have effect as if—

- (a) at the end of the definition of “service user” there were added the words “, or any child who is accommodated in the care home”;
- (b) the following definitions were added at the appropriate places—

““placement plan” has the meaning given to it in regulation 12 (child’s placement plan) of the Children’s Homes Regulations 2001(1);

“placing authority” has the meaning given to it in regulation 2(1) (interpretation) of the Children’s Homes Regulations 2001;”.

Statement of purpose

29. In regulation 4, paragraph (1) shall have effect as if at the end of that paragraph there were added the following—

“and

- (d) the information specified in Schedule 5.”.

Registered person

30.—(1) In regulation 7, paragraph (3) shall have effect as if at the end of that paragraph there were added the following—

“and

- (d) his skills and experience are suitable for the purpose of his working with children.”.

(2) In regulation 9, paragraph (2) shall have effect as if at the end of that paragraph there were added the following—

“and

(d) his skills and experience are suitable for the purpose of his working with children and either—

(i) his qualifications are suitable for the purpose of his working with children; or

(ii) another person has been appointed for the purpose of assisting him in the management of the care home, and the qualifications of the person so appointed are suitable for the purpose of his working with children.”.

(3) In regulation 10, paragraph (1) shall have effect as if for the words “and the number and needs of the service users,” there were substituted the words “the number and needs of the service users and the need to safeguard and promote the welfare of children accommodated in the care home,”.

Separate provision for children

31.—(1) Subject to paragraph (2), the registered person shall ensure that—

(a) the provision to be made for the care, treatment and supervision of children accommodated in the care home; and

(b) the provision of facilities and services to them,

shall, so far as it is practicable to do so, be made separately from other service users.

(2) Paragraph (1) shall not prevent the registered person from making provision jointly for children and other service users whose age does not significantly differ from those children.

Welfare and protection of children

32.—(1) Regulation 12 of these Regulations shall have effect as if, at the end of sub-paragraph (a) of paragraph (1) of that regulation there were added the words “, including provision for safeguarding the welfare of children accommodated in the care home”.

(2) The provisions of regulations 12, 15 to 18, 23 and 30 of, and Schedule 5 to, the Children’s Homes Regulations 2001 (child’s placement plan; contact and access to communications; arrangements for the protection of children; behaviour management, discipline and restraint; education, employment and leisure activity; hazards and safety; notifiable events) shall apply to the registered person as if—

(a) any reference to the registered person were to the registered person as defined in these Regulations;

(b) any reference to the children’s home or the home were to the care home.

(3) Where the registered person notifies the Commission in accordance with regulation 30 of the Children’s Homes Regulations 2001 of any of the following events, namely—

(a) serious illness or a serious accident sustained by a child accommodated at the care home;

(b) the outbreak of any infectious disease at the care home or involving children accommodated at the care home,

he will not be required to give separate notice of that event to the Commission under regulation 37 (notification of death, illness and other events) of these Regulations.

Fitness of workers

33. Regulation 19 shall have effect as if—

(a) in sub-paragraph (b) of paragraph (1) and sub-paragraph (b) of paragraph (4), for head (i) in each of those sub-paragraphs there were substituted the following head—

“(i) paragraphs 1 to 6 of Schedule 2 and in Schedule 6;”;

(b) in sub-paragraph (d) of paragraph (5), for head (i) there were substituted the following head—

“(i) each of the matters specified in paragraphs 1 to 6 of Schedule 2 and in Schedule 6;”;

(c) at the end of paragraph (5) there were added the following—

“and

(d) his qualifications, skills and experience are suitable for the purpose of working with children.”.

Staff disciplinary procedure

34. The registered person shall operate a staff disciplinary procedure which, in particular—

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

Review of quality of care

35. Regulation 24 shall have effect as if—

- (a) the system referred to in paragraph (1) of regulation 24 included monitoring at appropriate intervals the matters set out in Schedule 7;
- (b) in paragraph (2) of regulation 24, after the words “any review conducted by him” there were added the words “, or any matters monitored”;
- (c) in paragraph (3) of regulation 24, for the words “and their representatives” there were substituted the words “, their representatives, the parents of the children accommodated at the care home and, in relation to those children, the placing authorities”.

Offences

36. Regulation 43 shall have effect as if for paragraph (1) there were substituted the following paragraph—

“(1) A contravention or failure to comply with any of the following provisions shall be an offence—

- (a) regulations 4, 5, 11, 12(1) to (4), 13(1) to (4) and (6) to (8), 14, 15, 16(1), (2)(a) to (j) and (l) to (n) and (3), 17 to 26 and 37 to 40, to the extent that those regulations have effect subject to Part VI of these Regulations;
- (b) regulations 31 and 34; and
- (c) the provisions referred to in paragraph (2) of regulation 32, to the extent that they apply to the registered person by virtue of that paragraph.”.