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STATUTORY INSTRUMENTS

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**2013 No. 1394**

The Residential Holiday Schemes for Disabled  
Children (England) Regulations 2013

PART 3

Conduct of Holiday Schemes for Disabled Children

CHAPTER 1

*Welfare of Children*

**Promotion of welfare**

- 10.**—(1) The registered person must ensure that the scheme is conducted so as to—
- (a) promote and make proper provision for the welfare of children it accommodates; and
  - (b) make proper provision for the care, supervision and, where appropriate, treatment of those children.
- (2) The registered person must make suitable arrangements to ensure that the scheme is conducted—
- (a) in a manner which respects the privacy and dignity of children it accommodates;
  - (b) with due regard to the sex, religious persuasion, racial origin, cultural and linguistic background and any disability of those children.

**Food provided for children**

- 11.**—(1) The registered person must ensure that children accommodated by the scheme are provided with—
- (a) food which is—
    - (i) served in adequate quantities and at appropriate intervals;
    - (ii) properly prepared, wholesome and nutritious; and
  - (b) access to fresh drinking water at all times.

(2) The registered person must meet any special dietary need of a child accommodated by the scheme, which is due to that child's health, religious persuasion, racial origin or cultural background.

**Contact and access to communications**

- 12.**—(1) The registered person must ensure that children accommodated by the scheme are provided at all reasonable times with access to the following facilities, which they may use in private, without reference to employees of the scheme or the registered person—
- (a) a telephone on which to make and receive calls;

- (b) facilities to send and receive post; and
- (c) if such facilities are provided for the use of children accommodated by the scheme, electronic mail.

(2) The registered person must ensure that any disabled child accommodated by the scheme is provided with access to such aids and equipment which, as a result of the disability, the child may require in order to facilitate communication with others.

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

- 13.**—(1) The registered person must prepare and implement a written policy which sets out—
- (a) how children accommodated by the scheme are to be safeguarded from abuse or neglect; and
  - (b) the procedure to be followed in the event of an allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) must, in particular, provide for—
- (a) liaison and co-operation with a local authority which is making a child protection enquiry in relation to a child accommodated by the scheme;
  - (b) the prompt referral to the local authority in whose area the scheme is situated of an allegation of abuse or neglect affecting a child accommodated by the scheme;
  - (c) notification (in accordance with regulation 26) of the instigation and outcome of a child protection enquiry in relation to a child accommodated by the scheme, to HMCI and the placing authority;
  - (d) consideration of the measures which may be necessary to protect children accommodated by the scheme following an allegation of abuse or neglect; and
  - (e) a requirement for employees to report a concern about the safety or welfare of a child provided with accommodation by the scheme to one of the following—
    - (i) the registered person;
    - (ii) a police officer;
    - (iii) an officer of HMCI;
    - (iv) an officer of the local authority in whose area accommodation is being provided by the scheme;
    - (v) an officer of the National Society for the Prevention of Cruelty to Children.
- (3) The registered person must prepare and implement—
- (a) a written policy for the prevention of bullying of children provided with accommodation by the scheme, which, in particular, sets out the procedure for dealing with an allegation of bullying; and
  - (b) a procedure to be followed if a child provided with accommodation by the scheme goes missing, having regard to any relevant local authority or police protocols on missing children.

### **Behaviour management and discipline**

- 14.**—(1) No measure which is—
- (a) excessive;
  - (b) unreasonable; or
  - (c) of a type listed in paragraph (2),

may be used for the control or discipline of children accommodated by the scheme.

- (2) The measures are—
- (a) corporal punishment;
  - (b) a punishment involving the consumption or deprivation of food or drink;
  - (c) a restriction, other than one imposed by a court, on—
    - (i) a child’s contact with parents, relatives or friends;
    - (ii) a visit to the child by the child’s parents, relatives or friends; or
    - (iii) a child’s access to a telephone helpline providing counselling for children;
  - (d) a requirement that a child wears distinctive or inappropriate clothes;
  - (e) the use or withholding of medication or medical or dental treatment;
  - (f) the intentional deprivation of sleep;
  - (g) the imposition of a financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;
  - (h) an intimate physical examination of the child;
  - (i) the withholding of any aids or equipment needed by a disabled child;
  - (j) a measure which involves—
    - (i) a child in the imposition of a measure against another child; or
    - (ii) the punishment of a group of children for the behaviour of an individual child.
- (3) Nothing in this regulation prohibits—
- (a) the taking of action by, or in accordance with the instructions of—
    - (i) a registered medical practitioner; or
    - (ii) a registered dental practitioner,which is necessary to protect the child’s health;
  - (b) the taking of any necessary action to prevent injury to any person or serious damage to property; or
  - (c) the imposition of a requirement that a child wears distinctive clothing for sporting purposes, or for purposes connected with the child’s education or with any organisation whose members customarily wear uniform in connection with its activities.

### **Restraint**

**15.—**(1) Subject to paragraph (2), a measure of restraint may only be used on a child accommodated by the scheme for the purpose of—

- (a) preventing injury to any person; or
- (b) preventing serious damage to the property of any person,

and then only where no alternative method of preventing the event specified in sub-paragraphs (a) or (b) is practicable.

(2) Where a measure of restraint is used on a child accommodated by the scheme—

- (a) the measure of restraint must be proportionate; and
- (b) no more force than is necessary may be used.

### **Policies and records**

**16.—**(1) The registered person must prepare and implement a written policy (in this regulation referred to as the “behaviour management policy”) which sets out—

- (a) the measures of control, discipline and restraint which may be used by employees of the scheme with respect to children accommodated by the scheme; and
  - (b) how appropriate behaviour is to be promoted by the scheme.
- (2) The registered person must—
- (a) keep the behaviour management policy under review; and
  - (b) notify HMCI of a revision to the policy within 28 days of the date on which the revision is made.
- (3) The registered person must ensure that within 24 hours of the use of a measure of control, discipline or restraint, a written record is made, in a volume kept for the purpose, which must include—
- (a) the name of the child concerned;
  - (b) details of the child's behaviour leading to the use of the measure;
  - (c) a description of the measure used;
  - (d) the date, time and location of the use of the measure;
  - (e) the name of the person using the measure, and of any other person present during its use;
  - (f) the effectiveness and any consequences of the use of the measure;
  - (g) a description of any injury to the child concerned or any other person and any medical treatment administered;
  - (h) confirmation that the person authorised by the registered person to make the record has spoken to the child concerned and the person using the measure about the use of the measure; and
  - (i) the signature of the person authorised by the registered person to make the record.
- (4) Where a measure of restraint is used on a child, the record under paragraph (3) must include—
- (a) the duration of the measure of restraint; and
  - (b) details of any methods used to avoid the need to use that measure.

### **Health needs of children**

17. The registered person must promote and protect the emotional, mental and physical health of children whilst they are provided with accommodation by the scheme.

### **Medicines**

18.—(1) The registered person must make suitable arrangements for the disposal, handling, recording, safe administration and safekeeping of any medicines held, kept or received for the purpose of the care of children accommodated by the scheme.

- (2) In particular, the registered person must ensure that—
- (a) any such medicine is stored in a secure place so as to prevent children accommodated by the scheme from having unsupervised access to it;
  - (b) any medicine which is prescribed for a child is administered as prescribed; and
  - (c) a written record is kept of the administration of any medicine to a child.
- (3) Paragraph (2) does not apply to a medicine which—
- (a) is stored by the child for whom it is provided in such a way that others are prevented from using it; and
  - (b) may be safely self-administered by that child.

- (4) In this regulation, “prescribed” means—
- (a) ordered for a patient for provision to them pursuant to the National Health Service Act 2006 or section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup>; or
  - (b) in a case not falling within sub-paragraph (a), prescribed for a patient in accordance with regulation 217 of the Human Medicines Regulations 2012<sup>(2)</sup>.

### **Use of surveillance**

**19.** Subject to any requirement for electronic monitoring imposed by a court, the registered person must ensure that no electronic or mechanical monitoring device is used for the surveillance of a child accommodated by the scheme, except—

- (a) for the purpose of promoting and safeguarding that child’s welfare; and
- (b) where the following conditions are met—
  - (i) that child’s placing authority consents to the use of the device in question;
  - (ii) so far as practicable in the light of that child’s age and understanding, that child is informed in advance of the intention to use the device; and
  - (iii) the use of the device is no more restrictive than necessary, having regard to that child’s need for privacy.

### **Complaints and representations**

**20.—**(1) The registered person must establish a written procedure (in this regulation referred to as “the complaints procedure”) for considering complaints made by or on behalf of children accommodated by the scheme.

- (2) The complaints procedure must include—
  - (a) the address and telephone number of HMCI; and
  - (b) details of any procedure notified to the registered person by HMCI for the making of complaints to HMCI relating to the scheme.
- (3) The registered person must supply a copy of the complaints procedure, on request, to—
  - (a) a child accommodated by the scheme;
  - (b) the parent of a child accommodated by the scheme;
  - (c) a placing authority; or
  - (d) an employee.
- (4) The registered person must ensure that a written record is made of any complaint, the action taken in response, and the outcome of the investigation.
- (5) The registered person must ensure that—
  - (a) children accommodated by the scheme are enabled to make a complaint or representation; and
  - (b) no child is subject to reprisal for making a complaint or representation.
- (6) The registered person must supply to HMCI, at HMCI’s request, a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in relation to each complaint.

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(1) [2003 c.43](#) (“the 2003 Act”).

(2) [S.I. 2012/1916](#).

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

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(7) This regulation (apart from paragraph (5)) does not apply to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006(3) apply.