
STATUTORY INSTRUMENTS

2015 No. 541

The Children's Homes (England) Regulations 2015

PART 2

Quality standards and related matters

CHAPTER 1

Quality standards

Quality standards for children's homes

4. The following standards ("the quality standards") are prescribed for the purposes of section 22(1A) of the Care Standards Act 2000 in relation to children's homes—

- (a) the quality and purpose of care standard (see regulation 6);
- (b) the children's views, wishes and feelings standard (see regulation 7);
- (c) the education standard (see regulation 8);
- (d) the enjoyment and achievement standard (see regulation 9);
- (e) the health and well-being standard (see regulation 10);
- (f) the positive relationships standard (see regulation 11);
- (g) the protection of children standard (see regulation 12);
- (h) the leadership and management standard (see regulation 13);
- (i) the care planning standard (see regulation 14).

Engaging with the wider system to ensure children's needs are met

5. In meeting the quality standards, the registered person must, and must ensure that staff—

- (a) seek to involve each child's placing authority effectively in the child's care, in accordance with the child's relevant plans;
- (b) seek to secure the input and services required to meet each child's needs;
- (c) if the registered person considers, or staff consider, a placing authority's or a relevant person's performance or response to be inadequate in relation to their role, challenge the placing authority or the relevant person to seek to ensure that each child's needs are met in accordance with the child's relevant plans; and
- (d) seek to develop and maintain effective professional relationships with such persons, bodies or organisations as the registered person considers appropriate having regard to the range of needs of children for whom it is intended that the children's home is to provide care and accommodation.

The quality and purpose of care standard

- 6.—(1) The quality and purpose of care standard is that children receive care from staff who—
- (a) understand the children’s home’s overall aims and the outcomes it seeks to achieve for children;
 - (b) use this understanding to deliver care that meets children’s needs and supports them to fulfil their potential.
- (2) In particular, the standard in paragraph (1) requires the registered person to—
- (a) understand and apply the home’s statement of purpose;
 - (b) ensure that staff—
 - (i) understand and apply the home’s statement of purpose;
 - (ii) protect and promote each child’s welfare;
 - (iii) treat each child with dignity and respect;
 - (iv) provide personalised care that meets each child’s needs, as recorded in the child’s relevant plans, taking account of the child’s background;
 - (v) help each child to understand and manage the impact of any experience of abuse or neglect;
 - (vi) help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult;
 - (vii) provide to children living in the home the physical necessities they need in order to live there comfortably;
 - (viii) provide to children personal items that are appropriate for their age and understanding; and
 - (ix) make decisions about the day-to-day arrangements for each child, in accordance with the child’s relevant plans, which give the child an appropriate degree of freedom and choice;
 - (c) ensure that the premises used for the purposes of the home are designed and furnished so as to—
 - (i) meet the needs of each child; and
 - (ii) enable each child to participate in the daily life of the home; and
 - (d) ensure that any care that is arranged or provided for a child that—
 - (i) relates to the child’s development (within the meaning of section 17(11) of the Children Act 1989) or health; and
 - (ii) is not arranged or provided as part of the health service continued under section 1(1) of the National Health Service Act 2006⁽¹⁾,
 satisfies the conditions in paragraph (3).
- (3) The conditions are—
- (a) that the care is approved, and kept under review throughout its duration, by the placing authority;
 - (b) that the care meets the child’s needs;
 - (c) that the care is delivered by a person who—
 - (i) has the experience, knowledge and skills to deliver that care; and

(1) 2006 c.41. Section 1 of the National Health Service Act 2006 was substituted by section 1 of the Health and Social Care Act 2012 (c.7).

- (ii) is under the supervision of a person who is appropriately skilled and qualified to supervise that care; and
- (d) that the registered person keeps the child's general medical practitioner informed, as necessary, about the progress of the care throughout its duration.

The children's views, wishes and feelings standard

7.—(1) The children's views, wishes and feelings standard is that children receive care from staff who—

- (a) develop positive relationships with them;
- (b) engage with them; and
- (c) take their views, wishes and feelings into account in relation to matters affecting the children's care and welfare and their lives.

(2) In particular, the standard in paragraph (1) requires the registered person to—

- (a) ensure that staff—
 - (i) ascertain and consider each child's views, wishes and feelings, and balance these against what they judge to be in the child's best interests when making decisions about the child's care and welfare;
 - (ii) help each child to express views, wishes and feelings;
 - (iii) help each child to understand how the child's views, wishes and feelings have been taken into account and give the child reasons for decisions in relation to the child;
 - (iv) regularly consult children, and seek their feedback, about the quality of the home's care;
 - (v) help each child to understand how the child's privacy will be respected and the circumstances when it may have to be limited;
 - (vi) help each child to prepare for any review of the child's relevant plans and to make the child's views, wishes and feelings known for the purposes of that review; and
 - (vii) make each child aware of and, if necessary, remind them of each of the matters in sub-paragraph (d)(i) to (iii);
- (b) ensure that each child—
 - (i) is enabled to provide feedback to, and raise issues with, a relevant person about the support and services that the child receives;
 - (ii) has access to the home's children's guide, and the home's complaints procedure, when the child's placement in the home is agreed and throughout the child's stay in the home; and
 - (iii) is given appropriate advocacy support;
- (c) keep the children's guide and the home's complaints procedure under review and seek children's comments before revising either document;
- (d) ensure that an explanation is given to each child as soon as reasonably practicable after the child's arrival about—
 - (i) the children's guide;
 - (ii) how to make a complaint or representations in relation to the home or the care the child receives and how any such complaint or representations will be dealt with; and

- (iii) what advocacy support or services are available to the child, how the child may access that support or those services and any entitlement the child may have to independent advocacy provision; and
- (e) ensure that the views of each relevant person are taken into account, so far as reasonably practicable, before making a decision about the care or welfare of a child.

The education standard

8.—(1) The education standard is that children make measurable progress towards achieving their educational potential and are helped to do so.

- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
 - (a) that staff—
 - (i) help each child to achieve the child’s education and training targets, as recorded in the child’s relevant plans;
 - (ii) support each child’s learning and development, including helping the child to develop independent study skills and, where appropriate, helping the child to complete independent study;
 - (iii) understand the barriers to learning that each child may face and take appropriate action to help the child to overcome any such barriers;
 - (iv) help each child to understand the importance and value of education, learning, training and employment;
 - (v) promote opportunities for each child to learn informally;
 - (vi) maintain regular contact with each child’s education and training provider, including engaging with the provider and the placing authority to support the child’s education and training and to maximise the child’s achievement;
 - (vii) raise any need for further assessment or specialist provision in relation to a child with the child’s education or training provider and the child’s placing authority;
 - (viii) help a child who is excluded from school, or who is of compulsory school age but not attending school, to access educational and training support throughout the period of exclusion or non-attendance and to return to school as soon as possible;
 - (ix) help each child who is above compulsory school age to participate in further education, training or employment and to prepare for future care, education or employment;
 - (x) help each child to attend education or training in accordance with the expectations in the child’s relevant plans; and
 - (b) that each child has access to appropriate equipment, facilities and resources to support the child’s learning.

The enjoyment and achievement standard

9.—(1) The enjoyment and achievement standard is that children take part in and benefit from a variety of activities that meet their needs and develop and reflect their creative, cultural, intellectual, physical and social interests and skills.

- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
 - (a) that staff help each child to—
 - (i) develop the child’s interests and hobbies;

- (ii) participate in activities that the child enjoys and which meet and expand the child's interests and preferences; and
 - (iii) make a positive contribution to the home and the wider community; and
- (b) that each child has access to a range of activities that enable the child to pursue the child's interests and hobbies.

The health and well-being standard

- 10.**—(1) The health and well-being standard is that—
- (a) the health and well-being needs of children are met;
 - (b) children receive advice, services and support in relation to their health and well-being; and
 - (c) children are helped to lead healthy lifestyles.
- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff help each child to—
 - (i) achieve the health and well-being outcomes that are recorded in the child's relevant plans;
 - (ii) understand the child's health and well-being needs and the options that are available in relation to the child's health and well-being, in a way that is appropriate to the child's age and understanding;
 - (iii) take part in activities, and attend any appointments, for the purpose of meeting the child's health and well-being needs; and
 - (iv) understand and develop skills to promote the child's well-being;
 - (b) that each child is registered as a patient with a general medical practitioner and a registered dental practitioner; and
 - (c) that each child has access to such dental, medical, nursing, psychiatric and psychological advice, treatment and other services as the child may require.

The positive relationships standard

- 11.**—(1) The positive relationships standard is that children are helped to develop, and to benefit from, relationships based on—
- (a) mutual respect and trust;
 - (b) an understanding about acceptable behaviour; and
 - (c) positive responses to other children and adults.
- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff—
 - (i) meet each child's behavioural and emotional needs, as set out in the child's relevant plans;
 - (ii) help each child to develop socially aware behaviour;
 - (iii) encourage each child to take responsibility for the child's behaviour, in accordance with the child's age and understanding;
 - (iv) help each child to develop and practise skills to resolve conflicts positively and without harm to anyone;

- (v) communicate to each child expectations about the child's behaviour and ensure that the child understands those expectations in accordance with the child's age and understanding;
 - (vi) help each child to understand, in a way that is appropriate according to the child's age and understanding, personal, sexual and social relationships, and how those relationships can be supportive or harmful;
 - (vii) help each child to develop the understanding and skills to recognise or withdraw from a damaging, exploitative or harmful relationship;
 - (viii) strive to gain each child's respect and trust;
 - (ix) understand how children's previous experiences and present emotions can be communicated through behaviour and have the competence and skills to interpret these and develop positive relationships with children;
 - (x) are provided with supervision and support to enable them to understand and manage their own feelings and responses to the behaviour and emotions of children, and to help children to do the same;
 - (xi) de-escalate confrontations with or between children, or potentially violent behaviour by children;
 - (xii) understand and communicate to children that bullying is unacceptable; and
 - (xiii) have the skills to recognise incidents or indications of bullying and how to deal with them; and
- (b) that each child is encouraged to build and maintain positive relationships with others.

The protection of children standard

12.—(1) The protection of children standard is that children are protected from harm and enabled to keep themselves safe.

- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff—
 - (i) assess whether each child is at risk of harm, taking into account information in the child's relevant plans, and, if necessary, make arrangements to reduce the risk of any harm to the child;
 - (ii) help each child to understand how to keep safe;
 - (iii) have the skills to identify and act upon signs that a child is at risk of harm;
 - (iv) manage relationships between children to prevent them from harming each other;
 - (v) understand the roles and responsibilities in relation to protecting children that are assigned to them by the registered person;
 - (vi) take effective action whenever there is a serious concern about a child's welfare; and
 - (vii) are familiar with, and act in accordance with, the home's child protection policies;
 - (b) that the home's day-to-day care is arranged and delivered so as to keep each child safe and to protect each child effectively from harm;
 - (c) that the premises used for the purposes of the home are located so that children are effectively safeguarded;
 - (d) that the premises used for the purposes of the home are designed, furnished and maintained so as to protect each child from avoidable hazards to the child's health; and
 - (e) that the effectiveness of the home's child protection policies is monitored regularly.

The leadership and management standard

13.—(1) The leadership and management standard is that the registered person enables, inspires and leads a culture in relation to the children’s home that—

- (a) helps children aspire to fulfil their potential; and
- (b) promotes their welfare.

(2) In particular, the standard in paragraph (1) requires the registered person to—

- (a) lead and manage the home in a way that is consistent with the approach and ethos, and delivers the outcomes, set out in the home’s statement of purpose;
- (b) ensure that staff work as a team where appropriate;
- (c) ensure that staff have the experience, qualifications and skills to meet the needs of each child;
- (d) ensure that the home has sufficient staff to provide care for each child;
- (e) ensure that the home’s workforce provides continuity of care to each child;
- (f) understand the impact that the quality of care provided in the home is having on the progress and experiences of each child and use this understanding to inform the development of the quality of care provided in the home;
- (g) demonstrate that practice in the home is informed and improved by taking into account and acting on—
 - (i) research and developments in relation to the ways in which the needs of children are best met; and
 - (ii) feedback on the experiences of children, including complaints received; and
- (h) use monitoring and review systems to make continuous improvements in the quality of care provided in the home.

The care planning standard

14.—(1) The care planning standard is that children—

- (a) receive effectively planned care in or through the children’s home; and
- (b) have a positive experience of arriving at or moving on from the home.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure—

- (a) that children are admitted to the home only if their needs are within the range of needs of children for whom it is intended that the home is to provide care and accommodation, as set out in the home’s statement of purpose;
- (b) that arrangements are in place to—
 - (i) ensure the effective induction of each child into the home;
 - (ii) manage and review the placement of each child in the home; and
 - (iii) plan for, and help, each child to prepare to leave the home or to move into adult care in a way that is consistent with arrangements agreed with the child’s placing authority;
- (c) that each child’s relevant plans are followed;
- (d) that, subject to regulation 22 (contact and access to communications), contact between each child and the child’s parents, relatives and friends, is promoted in accordance with the child’s relevant plans;

- (e) that the child’s placing authority is contacted, and a review of that child’s relevant plans is requested, if—
 - (i) the registered person considers that the child is at risk of harm or has concerns that the care provided for the child is inadequate to meet the child’s needs;
 - (ii) the child is, or has been, persistently absent from the home without permission; or
 - (iii) the child requests a review of the child’s relevant plans; and
- (f) that staff help each child to access and contribute to the records kept by the registered person in relation to the child.

Duty to have regard to statements of standards published under section 23 of the Care Standards Act 2000

15. If the Secretary of State publishes a statement of standards in relation to children’s homes under section 23 of the Care Standards Act 2000, the registered person must have regard to the statement⁽²⁾.

(2) Section 23 was amended by: paragraphs 103 and 110 of Schedule 3 to the ACA 2002; paragraphs 16 and 21 of Schedule 9 to the Health and Social Care (Community Health and Standards) Act 2003 (c.43); section 28 of the CYPA 2008 and section 104 of the C&FA 2014.