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STATUTORY INSTRUMENTS

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**2015 No. 541**

**The Children's Homes (England) Regulations 2015**

**PART 3**

**Registered persons**

**Fitness of registered provider**

**26.**—(1) An individual may only carry on a children's home if the individual satisfies the requirements in paragraph (5).

(2) An individual may only carry on a home with another individual or other individuals, otherwise than in a partnership, if that individual and each other individual satisfies the requirements in paragraph (5).

(3) A partnership may only carry on a home if each partner satisfies the requirements in paragraph (5).

(4) An organisation may only carry on a home if—

(i) each director of the organisation, except for a director who is the responsible individual, who is involved in the carrying on of a home by that organisation satisfies the requirements in paragraph (6); and

(ii) the organisation has notified HMCI of the name, address and position in the organisation of the responsible individual.

(5) The requirements are that—

(a) the individual is of integrity and good character;

(b) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 2;

(c) the individual is mentally and physically fit to carry on the home; and

(d) the individual is financially fit to carry on the home.

(6) The requirements are that—

(a) the individual is of integrity and good character; and

(b) full and satisfactory information is available in relation to the individual in respect of the matters in paragraphs 1 and 3 to 6 of Schedule 2.

(7) A responsible individual must—

(a) satisfy the requirements in paragraph (5)(a) to (c); and

(b) have the capacity, experience and skills to supervise the management of the home, or the homes, in respect of which the responsible individual is nominated.

(8) An individual is not financially fit to carry on a home—

(a) if the individual—

- (i) has been adjudged bankrupt, sequestration of the individual's estate has been awarded or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986<sup>(1)</sup>) applies in relation to the individual; and
  - (ii) has not been discharged from the bankruptcy or the sequestration and the bankruptcy order has not been annulled or rescinded; or
- (b) if the individual has made a composition or arrangement with the individual's creditors and the individual has not been discharged in respect of the composition or arrangement.
- (9) For the purposes of this regulation, "director" includes any individual who performs the functions of, or functions equivalent or similar to the functions of, a director, by whatever name called.

### **Appointment of manager**

- 27.—(1) The registered provider must appoint a person to manage the children's home if—
- (a) there is no registered manager in respect of the home; and
  - (b) the registered provider—
    - (i) is an organisation or a partnership;
    - (ii) does not satisfy regulation 28; or
    - (iii) is not, or does not intend to be, in day-to-day charge of the home.
- (2) If the registered provider appoints a person to manage the home, the registered provider must, without delay, give HMCI notice of—
- (a) the name of the person so appointed; and
  - (b) the date on which the appointment takes effect.

### **Fitness of manager**

- 28.—(1) A person may only manage a children's home if—
- (a) the person is of integrity and good character;
  - (b) having regard to the size of the home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children—
    - (i) the person has the appropriate experience, qualification and skills to manage the home effectively and lead the care of children; and
    - (ii) the person is physically and mentally fit to manage the home; and
  - (c) full and satisfactory information is available in relation to the person in respect of each of the matters in Schedule 2.
- (2) For the purposes of paragraph (1)(b)(i), a person has the appropriate experience and qualification if the person has—
- (a) within the last 5 years, worked for at least 2 years in a position relevant to the residential care of children;
  - (b) worked for at least one year in a role requiring the supervision and management of staff working in a care role; and
  - (c) by the relevant date, attained—

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(1) 1986 c.45. Section 251A of the Insolvency Act 1986 was inserted by Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

- (i) the Level 5 Diploma in Leadership and Management for Residential Childcare (England) (“the Level 5 Diploma”); or
  - (ii) a qualification which the registered provider considers to be equivalent to the Level 5 Diploma.
- (3) The relevant date is—
- (a) in the case of a person who starts managing a home after 1st April 2014, the date which falls 3 years after the date on which that person started managing a home; or
  - (b) in the case of a person who was managing a home on 1st April 2014, 1st April 2017.
- (4) The registered provider may defer the relevant date if the person—
- (a) does not manage, or has not managed, a home for a prolonged period; or
  - (b) manages, or has managed, a home on a part-time basis.

### **Continuing professional development: registered person and responsible individual**

**29.**—(1) If the registered provider is an individual, the individual must undertake such continuing professional development as is necessary to ensure that the individual has the skills needed for carrying on the children’s home.

(2) If the registered provider is an organisation, the organisation must ensure that the responsible individual undertakes such continuing professional development as is necessary to ensure that the responsible individual has the skills needed for supervising the management of the home.

(3) If the registered provider is a partnership, the partnership must ensure that one of the partners undertakes such continuing professional development as is necessary to ensure that the partner has the skills needed for carrying on the home.

(4) The registered manager must undertake such continuing professional development as is necessary to ensure that the registered manager has the skills needed for managing the home.

### **Compliance with regulations**

**30.** If there is more than one registered person in respect of a children’s home, anything which is required of a registered person by these Regulations does not have to be done by each registered person if it is, or has been, done by one of them.