
STATUTORY INSTRUMENTS

2015 No. 541

The Children's Homes (England) Regulations 2015

PART 6

Monitoring and reviewing children's homes

Appointment of independent person

43.—(1) The registered provider must appoint, at the registered provider's expense, a person ("the independent person") to visit and report on the children's home carried on by the registered provider.

(2) If the registered provider carries on more than one home, the registered provider may appoint the same person as the independent person for all or any of those homes.

(3) Subject to paragraphs (4) and (5), the registered provider may not appoint the following as an independent person—

- (a) if the registered provider is a local authority, a person who is employed by that local authority in connection with the carrying on of the authority's social services functions (as defined by section 1A of the Local Authority Social Services Act 1970⁽¹⁾) relating to children;
- (b) if the registered provider is not a local authority, a person who is employed for payment by the registered provider;
- (c) a person involved in preparing the care plan of any child placed at the home, or a person responsible for managing or supervising that person;
- (d) a person responsible for commissioning or financing services provided by the home;
- (e) a person with a financial interest in the home;
- (f) the responsible individual (if one is nominated); or
- (g) a person who has, or has had, a connection with—
 - (i) the registered person;
 - (ii) a person working at the home; or
 - (iii) a child,

which the registered provider considers to give rise to doubts about that person's impartiality (for the purposes of producing the independent person's report – see regulation 44).

(4) An employee of the registered provider is not, by reason only of that employment, disqualified under paragraph (3)(a), (b) or (g) from appointment as an independent person if the employee is employed solely to examine and scrutinise critically—

- (a) the way that a home is carried on or managed; and

(1) 1970 c.42. Section 1A of the Local Authority Social Services Act 1970 was inserted by section 102 of the Local Government Act 2000 (c.22).

(b) the quality of care provided for children.

(5) If the registered provider is a local authority, a person appointed by the authority as an independent reviewing officer is not, by reason only of that appointment, disqualified under paragraph (3)(a), (c) or (g) from appointment as an independent person in relation to a home carried on by that authority or any other authority.

(6) The independent person must declare any actual or potential conflict of interest (whether of the type mentioned in paragraph (3) or otherwise) to the registered provider without delay and, if reasonably practicable, before conducting a visit to the home.

(7) If the registered provider becomes aware of a potential conflict of interest in relation to the independent person before or during the independent person visiting the home (see regulation 44), the registered provider must—

- (a) make arrangements to cancel the visit without delay; and
- (b) appoint a different independent person to visit the home.