
WELSH STATUTORY INSTRUMENTS

2002 No. 324

The Care Homes (Wales) Regulations 2002

**PART VI
CHILDREN**

Application of this Part

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

Interpretation

29. 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 (Wales) Regulations 2002;

“placing authority” has the meaning given to it in regulation 2(1) (interpretation) of the Children’s Homes (Wales) Regulations 2002(1).”

Statement of purpose

30. 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

31.—(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 or her experience and skills are suitable for the purpose of 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 experience and skills are suitable for the purpose of working with children and either—

- (i) his qualifications are suitable for the purpose of working with children; or
- (ii) another person has been appointed for the purpose of assisting in the management of the care home, and the qualifications of the person so appointed are suitable for the purpose of 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

32.—(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

33.—(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 29 of, and Schedule 5 to, the Children’s Homes (Wales) Regulations 2002 (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 National Assembly in accordance with regulation 29 of the Children’s Homes (Wales) Regulations 2002 of any of the following events, namely—

- (a) 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 appropriate office of the National Assembly under regulation 38 (notification of death etc.) of these Regulations.

Fitness of workers

34. In regulation 19, paragraph (2) shall have effect as if at the end of that paragraph there were added the following—

“and

- (e) his or her qualifications, experience, competence and skills are suitable for the purpose of working with children.”.

Staff disciplinary procedure

35. In regulation 22, paragraph (2) shall have effect as if at the end of that paragraph there were added the words “or, in relation to a child accommodated at the home, an officer of the National Society for the Prevention of Cruelty to Children.”.

Review of quality of care

36. Regulation 25 shall have effect as if—

- (a) the system referred to in paragraph (1) of regulation 25 also required the matters set out in Schedule 6 to be monitored, and reviewed at appropriate intervals;
- (b) in paragraph (3) of regulation 25, 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”;
- (c) there were added at the end of regulation 25 the following paragraph—

“(4) The registered person shall not aim to secure consultation with a child’s parent under paragraph (3) if there is a court order that restricts or limits contact between the child and the parent and it is necessary to prevent, or restrict, such consultation for the purpose of promoting or safeguarding the welfare of the child.”

Offences

37. Regulation 44 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 to 27 and 38 to 41 to the extent that those regulations have effect subject to Part VI of these Regulations;
- (b) regulations 32 and 35; and
- (c) the provisions described in paragraph (2) of regulation 33.”.