
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply in relation to children’s homes in Wales. Parts I and II of the Act provide for the National Assembly for Wales, in relation to Wales, to register and inspect establishments and agencies. The Act also provides for the Assembly to make regulations governing the conduct of establishments and agencies in relation to Wales. The majority of Parts I and II of the Act (in so far as not already in force) will be brought into force on 1st April 2002.

These new arrangements replace the statutory system in relation to children’s homes provided for by the Children Act 1989, and these Regulations supersede the Children’s Homes Regulations 1991 (as amended) in so far as they apply to Wales.

Regulation 3 excludes certain establishments from the definition of a children’s home under section 1 of the Act. These include establishments providing short-term overnight care, holidays, or other activities for less than 28 days a year in relation to any one child, and a wide range of establishments providing accommodation for those aged 16 or over unless, in either case, the establishment mainly accommodates children who are disabled or otherwise fall within the descriptions in section 3(2) of the Act. Further education colleges and establishments for young offenders are also excluded.

Under regulation 4, each home must have a statement of purpose consisting of the matters set out in Schedule 1, and a children’s guide to the home. The home must be carried on in a manner which is consistent with the statement of purpose.

Regulations 6 to 10 make provision about the persons carrying on or managing the home, and require satisfactory information to be available in relation to the matters prescribed in Schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 6). Regulation 7 prescribes the circumstances where a manager must be appointed for the home, and regulation 9 imposes general requirements in relation to the proper conduct of the home, and the need for appropriate training.

Part III makes provision about the conduct of children’s homes, in particular as to child protection, welfare, health, education and religious observance, arrangements for contact and visitors, the management of behaviour, and the use of surveillance devices. Provision is also made about the staffing of homes, and the fitness of workers, and about complaints, record keeping and notification of the events listed in Schedule 5.

Part IV makes provision about the suitability of premises, and the fire precautions to be taken. Part V deals with the management of children’s homes. Regulation 33 requires the registered provider to visit the home as prescribed, and regulation 34 requires the registered person to review and monitor the matters set out in Schedule 6 relating to the quality of care provided by the home. Regulation 36 imposes requirements relating to the home’s financial position.

Part VI deals with miscellaneous matters including the giving of notices to the National Assembly. Regulation 41 provides for offences. A breach of the regulations specified in regulation 41 may found an offence on the part of the registered person. Regulation 42 allows the Assembly to specify offices in parts of Wales for the giving of notices to it under the regulations.