
WELSH STATUTORY INSTRUMENTS

2003 No. 781

The Residential Family Centres (Wales) Regulations 2003

PART II

REGISTERED PERSONS

Fitness of registered provider

- 5.—(1) A person must not carry on a residential family centre unless he or she is fit to do so.
- (2) A person is not fit to carry on a residential family centre unless the person —
- (a) is an individual who satisfies the requirements set out in paragraph (3); or
 - (b) is an organisation and —
 - (i) the organisation has given notice to the National Assembly of the name, address and position in the organisation of an individual (in these regulations referred to as “the responsible individual” who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the residential family centre; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that —
- (a) the individual is of suitable integrity and good character to carry on the residential family centre;
 - (b) the individual is physically and mentally fit to carry on the residential family centre; and
 - (c) full and satisfactory information is available in relation to the individual —
 - (i) in respect of each matter specified in paragraphs 1 to 6 of Schedule 2:
 - (ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2;
 - (iii) and further, where paragraph (4) applies, in a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999⁽¹⁾ and regulations made under section 218 of the Education Reform Act 1988⁽²⁾.
- (4) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.
- (5) A person is not fit to carry on a residential family centre if —
- (a) that person has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
 - (b) he or she has made a composition or arrangement with his or her creditors, and has not been discharged in respect of it.

(1) 1999 c. 14.

(2) 1988 c. 40.

Appointment of manager

6.—(1) The registered provider must appoint an individual to manage a residential family centre if —

- (a) there is no registered manager in respect of the residential family centre; and
- (b) the registered provider—
 - (i) is an organisation;
 - (ii) is not a fit person to manage a residential family centre; or
 - (iii) is not, or does not intend to be, in full-time day to day charge of the residential family centre.

(2) Where the registered provider appoints a person to manage the residential family centre, the registered provider must forthwith give notice to the appropriate office of the National Assembly of —

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

Fitness of manager

7.—(1) A person must not manage a residential family centre unless he or she is fit to do so.

(2) A person is not fit to manage a residential family centre unless—

- (a) the person is of suitable integrity and good character to manage the residential family centre;
- (b) having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents —
 - (i) the person has the qualifications, skills and experience necessary to manage the centre; and
 - (ii) the person is physically and mentally fit to do so;
- (c) full and satisfactory information is available in relation to the person —
 - (i) in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2;
 - (iii) and further, where paragraph (3) applies, in a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999⁽³⁾ and regulations made under section 218 of the Education Reform Act 1988⁽⁴⁾.

(3) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.

Registered person — general requirements

8.—(1) The registered provider and the registered manager must, having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents, carry on or manage the centre (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is —

- (a) an individual, he or she must undertake; or

(3) 1999 c. 14.

(4) 1988 c. 40.

(b) an organisation, it must ensure that the responsible individual undertakes, from time to time such training as is appropriate to ensure that he or she has the skills necessary for carrying on the residential family centre.

(3) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the skills necessary for managing the residential family centre.

Notification of offences

9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she must forthwith give notice in writing to the appropriate office of the National Assembly of —

- (a) the date and place of the conviction;
- (b) the offence of which he or she was convicted; and
- (c) the penalty imposed in respect of the offence.