
STATUTORY INSTRUMENTS

2004 No. 2071

The Adult Placement Schemes (England) Regulations 2004

PART 4

CONDUCT OF ADULT PLACEMENT SCHEMES

CHAPTER 1

OPERATION OF ADULT PLACEMENT SCHEME

General conduct of adult placement scheme

21.—(1) The registered person shall make suitable arrangements to ensure that the scheme is conducted, and that care or support (including any accommodation) is provided—

- (a) so as to ensure the safety of service users;
- (b) so as to ensure that a placement is not made in an emergency unless that is in the interests of the service user in question, and the needs of the adult placement carer and other household members have been considered;
- (c) so as to safeguard service users against abuse, harm or neglect;
- (d) so as to promote the independence of service users;
- (e) so as to ensure the safety and security of service users' property;
- (f) in a manner which respects the privacy, dignity and wishes of service users, and the confidentiality of information relating to them; and
- (g) with due regard to the sex, sexual orientation, age, religious persuasion, racial origin, and cultural and linguistic background and any disability of service users, and to the way in which they wish to conduct their lives.

(2) The registered provider and the registered manager (if any) shall, in relation to the conduct of the scheme—

- (a) maintain good personal and professional relationships with each other and with adult placement carers, service users and staff;
- (b) encourage and assist staff to maintain good personal and professional relationships with both adult placement carers and service users;
- (c) encourage and assist adult placement carers to maintain good personal and professional relationships with service users.

(3) The registered person shall make appropriate arrangements to ensure that the views of service users are taken into account in the conduct of the scheme.

Information, documents and records

22.—(1) The registered person shall ensure that the information and documents specified in Schedule 3 and the records specified in Schedule 4 are kept and that they are—

- (a) kept up to date, in good order, in a secure manner and in accordance with any rule of law applicable to the information contained within them;
 - (b) at all times available for inspection at the principal office of the scheme by any person authorised by the CSCI to enter and inspect the premises;
 - (c) retained for a period of not less than three years beginning on the date of the last entry.
- (2) The registered person must ensure that the scheme has a written policy about the keeping of the information, documents and records specified in Schedules 3 and 4.

Complaints

23.—(1) The registered person shall establish a procedure (“the complaints procedure”) for considering complaints made to the registered person by an adult placement carer, a service user or a person acting on behalf of a service user.

(2) The complaints procedure must be appropriate to the needs of service users.

(3) The registered provider shall ensure that any complaint made under the complaints procedure is fully investigated.

(4) The registered provider shall, as soon as is reasonably practicable but in any event within 28 days of the date on which the complaint was received inform the person who made the complaint of the action (if any) that is to be taken in response.

(5) The registered provider shall supply a copy of the complaints procedure to every service user whom it has placed and to any person acting on behalf of a service user if that person so requests.

(6) The copy of the complaints procedure shall include—

- (a) the address and telephone number of the CSCI; and
- (b) the procedure (if any) that has been notified by the CSCI to the registered person for the making of complaints to the CSCI in relation to the scheme.

(7) The registered person shall supply to the CSCI at its request a statement containing a summary of the complaints made during the preceding twelve months and of the action that was taken in response to each complaint.

Review of quality of scheme’s operations

24.—(1) The registered person shall establish and maintain a system for—

- (a) reviewing at appropriate intervals and in any event at least once in every 12 months; and
- (b) improving,

the quality of the operation of the scheme, including the quality of the accommodation (where provided) and care or support provided in placements.

(2) The registered person shall supply to the CSCI a report in respect of any review conducted by him for the purposes of paragraph (1), and make a copy of the report available, on request, to adult placement carers, service users and to any representatives of service users.

(3) The system referred to in paragraph (1) shall provide for consultation with adult placement carers, service users and their representatives.

Visits by registered provider

25.—(1) Where the registered provider is an individual who does not manage the scheme, he shall visit the principal office of the scheme in accordance with this regulation.

(2) Where the registered provider is an organisation or partnership, the principal office of the scheme shall be visited in accordance with this regulation by—

- (a) the responsible individual or one of the partners, as the case may be;
 - (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
 - (c) an employee of the organisation or the partnership who is not directly concerned with the conduct of the scheme.
- (3) Visits under paragraph (1) or (2) shall take place at least once every 12 months and shall be announced.
- (4) The registered provider shall assist adult placement carers with whom it has placed a service user and such service users to provide their views about the scheme for the purposes of visits carried out under this regulation.
- (5) The person carrying out the visit shall—
- (a) interview, in private, such adult placement carers and service users and their representatives who wish to be interviewed;
 - (b) inspect the records referred to in paragraph (4) of Schedule 4, and records of any complaints; and
 - (c) prepare a written report on the conduct of the scheme.
- (6) An interview referred to in paragraph (5)(a) must take place in such reasonable place chosen by the person to be interviewed.
- (7) The registered provider shall supply a copy of the report required to be made under paragraph (5)(c) to—
- (a) the CSCI;
 - (b) any registered manager; and
 - (c) in the case of a visit under paragraph (2)—
 - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
 - (ii) where the registered provider is a partnership, to each of the partners.

Staff views as to conduct of scheme

26.—(1) This regulation applies to any matter relating to the conduct of the scheme so far as it may affect the health or welfare of service users.

(2) The registered person shall make arrangements to enable staff to inform the registered person and the CSCI of their views about any matter to which this regulation relates.

CHAPTER 2

PREMISES

Fitness of premises

27. Subject to regulation 4(3), the registered person shall not use premises for the purposes of a scheme unless the premises are suitable for the purpose of achieving the aims and objectives of the scheme set out in the statement of purpose.

CHAPTER 3

STAFFING

Fitness of staff

28. The registered person shall ensure that no person works for the purposes of the scheme unless—

- (a) he is of integrity and good character;
- (b) he has the qualifications, skills and experience necessary for the work he is to perform;
- (c) he is physically and mentally fit for that work; and
- (d) full and satisfactory information is available in relation to him in respect of the matters specified in Schedule 2.

Staffing

29.—(1) The registered person shall, having regard to the size of the scheme, its statement of purpose and the number and needs of service users and adult placement carers, take all reasonable measures to ensure that—

- (a) at all times there are an appropriate number of suitably qualified, skilled, and experienced staff employed for the purposes of the scheme; and
 - (b) appropriate information and advice are provided to staff about the needs of service users which may be met by the scheme;
- (2) The registered person shall ensure that each member of staff—
- (a) is provided with a job description outlining his responsibilities;
 - (b) receives training and appraisal which is appropriate to his work;
 - (c) is enabled from time to time to obtain further qualifications appropriate to his or her work; and
 - (d) is appropriately supervised.

Employment of staff

30.—(1) The registered person shall—

- (a) ensure that all permanent appointments of persons to its staff are subject to the satisfactory completion of a period of probation;
- (b) operate a disciplinary procedure which, in particular—
 - (i) provides for suspension, and the taking of other action short of suspension, in relation to a member of staff where appropriate in the interests of service users and the proper operation of the scheme; and
 - (ii) provides that a failure on the part of a member of staff to report an incident of abuse, or suspected abuse, of a service user placed by the scheme to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph (1)(b)(ii), an appropriate person is the registered person, a police constable or an employee of the CSCI.

Staff handbook

31.—(1) The registered person shall prepare a staff handbook and provide a copy of it to every member of staff.

- (2) The staff handbook shall include a statement as to—
- (a) the conduct expected of staff, and disciplinary action which may be taken against them;
 - (b) the role and responsibilities of staff and adult placement carers;
 - (c) record keeping requirements;
 - (d) recruitment procedures; and
 - (e) training and career development opportunities and requirements.

CHAPTER 4

FINANCIAL MATTERS

Financial position

32.—(1) The registered provider shall carry on the scheme in such manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) Subject to paragraph (4), the registered person shall provide to the CSCI such information and documents as it may require in order to consider the financial viability of the scheme, including—

- (a) the annual accounts of the scheme, certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (c) information as to the financing and financial resources of the scheme;
- (d) where the registered provider is a company, information as to any of its associated companies;
- (e) a certificate of insurance for the registered provider in respect of any liability which may be incurred by him in relation to the scheme in respect of death, injury, public liability, damage or other loss.

(3) Subject to paragraph (4) the registered provider shall—

- (a) ensure that adequate accounts are maintained in respect of the scheme and kept up to date;
- (b) ensure that the accounts give details of the running costs of the scheme, including rent, payments under a mortgage and expenditure on salaries and wages of staff; and
- (c) supply a copy of the accounts to the CSCI at its request.

(4) Paragraphs (2) and (3) do not apply where the registered provider is a local authority or a National Health Service body.

(5) For the purposes of this regulation, one company is associated with another if one of them has control of the other, or both are under the control of the same person.

CHAPTER 5

NOTICES TO BE GIVEN TO THE CSCI

Notification of incidents

33.—(1) The registered person shall notify the CSCI if an incident described in paragraph (2) takes place.

(2) That notification must be made within 24 hours of the registered person being informed, or otherwise becoming aware, of the incident.

(3) The incidents are—

- (a) the death of any service user, including the circumstances of his death;
 - (b) the outbreak within the adult placement carer's home of any infectious disease which in the opinion of any registered medical practitioner attending persons in the home is sufficiently serious to be so notified;
 - (c) any serious injury to a service user;
 - (d) any serious illness of a service user;
 - (e) any event of which the adult placement carer is aware which adversely affects the well-being or safety of any service user;
 - (f) any theft or burglary at the adult placement carer's home;
 - (g) any incident which—
 - (i) occurs in connection with the placement; and
 - (ii) is reported to, or investigated by the police;
 - (h) any allegation of misconduct by a service user in relation to the adult placement carer or a member of his family;
 - (i) any unexplained absence of more than 12 hours of a service user from the adult placement carer's home.
- (4) Any notification under this regulation which is given orally shall be confirmed in writing.
- (5) The registered person must ensure that members of staff are required to inform the registered person forthwith when they become aware of the occurrence of any of the incidents described in paragraph (3).

Notice of absence

34.—(1) Where—

- (a) the registered provider, if he is an individual; or
- (b) the registered manager,

proposes to be absent from the scheme for a continuous period of 28 days or more, the registered person shall give notice in writing to the CSCI of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the absence commences, or within such shorter period as may be agreed with the CSCI and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for running the scheme during the absence;
- (d) the name, address and qualifications of the person responsible for the scheme during the absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the scheme during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as the result of an emergency, the registered person shall give notice of the absence within one week of its occurrence specifying the matters mentioned in sub-paragraphs (2)(a) to (e).

(4) Where—

- (a) the registered provider, if he is an individual; or
- (b) the registered manager,

has been absent from the scheme for a continuous period of 28 days or more, and the CSCI has not been given notice of the absence, the registered person shall forthwith give notice in writing to the CSCI specifying the matters mentioned in sub-paragraphs (2)(a) to (e).

(5) The registered person shall notify the CSCI of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

Notice of changes

35.—(1) The registered person shall give notice in writing to the CSCI as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered person provides or manages the scheme;
- (b) a person ceases to provide or manage the scheme;
- (c) where a registered person is an individual, he changes his name;
- (d) the name or address of the principal office of the scheme is changed;
- (e) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (f) where the registered provider is an organisation—
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is any change of responsible individual;
- (g) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (h) where the registered provider is a company or partnership, a receiver, manager, liquidator, or provisional liquidator is appointed; or
- (i) additional premises are acquired for the purposes of the scheme.

Appointment of liquidators etc.

36.—(1) Any person to whom paragraph (2) applies shall—

- (a) forthwith notify the CSCI of his appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the scheme in any case where there is no registered manager; and
- (c) within 28 days of appointment, notify the CSCI of his intentions regarding the future operation of the scheme.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of a company or partnership which is a registered provider of a scheme;
- (b) the liquidator or provisional liquidator of a company which is the registered provider of a scheme; or
- (c) the trustee in bankruptcy of a registered provider of a scheme.

Death of registered person

37.—(1) If more than one person is registered in respect of a scheme, and a registered person dies, the surviving registered person shall without delay notify the CSCI of the death in writing.

(2) If only one person is registered in respect of a scheme, and he dies, his personal representatives must notify the CSCI in writing—

- (a) without delay, of the death; and
- (b) within 28 days of their intentions regarding the future provision of the scheme.

(3) The personal representatives of the deceased registered provider may provide the scheme without being registered in respect of it—

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The CSCI may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the CSCI shall determine, and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to take full-time day to day charge of the scheme during any period in which, in accordance with paragraph (3), they provide the scheme without being registered in respect of it.