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STATUTORY INSTRUMENTS

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**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 <sup>M1</sup>) 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
- (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.

#### Marginal Citations

**M1** 1970 c.42. Section 1A of the Local Authority Social Services Act 1970 was inserted by section 102 of the [Local Government Act 2000 \(c.22\)](#).

#### Independent person: visits and reports

**44.**—(1) The registered person must ensure that an independent person visits the children's home at least once each month.

(2) When the independent person is carrying out a visit, the registered person must help the independent person—

- (a) if they consent, to interview in private such of the children, their parents, relatives and persons working at the home as the independent person requires; and
- (b) to inspect the premises of the home and such of the home's records (except for a child's case records, unless the child and the child's placing authority consent) as the independent person requires.

(3) A visit by the independent person to the home may be unannounced.

(4) The independent person must produce a report about a visit (“the independent person's report”) which sets out, in particular, the independent person's opinion as to whether—

- (a) children are effectively safeguarded; and
- (b) the conduct of the home promotes children's well-being.

(5) The independent person's report may recommend actions that the registered person may take in relation to the home and timescales within which the registered person must consider whether or not to take those actions.

(6) If the independent person becomes aware of a potential conflict of interest (whether under regulation 43(3) or otherwise) after a visit to the home, the independent person must include in the independent person's report—

- (a) details of the conflict of interest; and
- (b) the reasons why the independent person did not notify the registered provider of the conflict of interest before the visit.

(7) The independent person must provide a copy of the independent person's report to—

- (a) HMCI;
- (b) upon request, the local authority for the area in which the home is located;
- (c) the placing authorities of children;

- (d) the registered provider and, if applicable, the registered manager; and
- (e) the responsible individual (if one is nominated).

### **Review of quality of care**

**45.**—(1) The registered person must complete a review of the quality of care provided for children (“a quality of care review”) at least once every 6 months.

(2) In order to complete a quality of care review the registered person must establish and maintain a system for monitoring, reviewing and evaluating—

- (a) the quality of care provided for children;
- (b) the feedback and opinions of children about the children's home, its facilities and the quality of care they receive in it; and
- (c) any actions that the registered person considers necessary in order to improve or maintain the quality of care provided for children.

(3) After completing a quality of care review, the registered person must produce a written report about the quality of care review and the actions which the registered person intends to take as a result of the quality of care review (“the quality of care review report”).

(4) The registered person must—

- (a) supply to HMCI a copy of the quality of care review report within 28 days of the date on which the quality of care review is completed; and
- (b) make a copy of the quality of care review report available on request to a placing authority, if the placing authority is not the parent of a child accommodated in the home.

(5) The system referred to in paragraph (2) must provide for ascertaining and considering the opinions of children, their parents, placing authorities and staff.

### **Review of premises**

**46.**—(1) The registered person must review the appropriateness and suitability of the location of the premises used for the purposes of the children's home at least once in each calendar year taking into account the requirement in regulation 12(2)(c) (the protection of children standard).

(2) When conducting the review, the registered person must consult, and take into account the views of, each relevant person.

### **Financial position**

**47.**—(1) The registered provider must carry on the children's home in such manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person must—

- (a) ensure that adequate financial records are maintained and kept up to date in respect of the home; and
- (b) supply a copy of the financial records and most recent accounts to HMCI at HMCI's request.

(3) The registered person must provide HMCI with such information as HMCI may require for the purpose of considering the financial viability of the home, including—

- (a) the annual accounts of the home 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 home and the registered provider;
  - (d) where the registered provider is a company, information as to any of its associated companies; and
  - (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by the registered provider in relation to the home in respect of damage, death, injury, public liability or other loss.
- (4) For the purposes of this regulation a company is an associated company of another company if one of the companies has control of the other company or both companies are under the control of the same person.

**Changes to legislation:**

There are currently no known outstanding effects for the The Children's Homes (England) Regulations 2015, PART 6.