These notes refer to the Care Standards Act 2000
(c.14) which received Royal Assent on 20 July 2000

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

BACKGROUND

15. This section provides a brief description of the current legislative framework for the regulation, registration and inspection of the care services covered by this Act. The two principal pieces of current legislation concerned with residential care are the Registered Homes Act 1984 and the Children Act 1989. For more detail about the legislation see Annex 1 to these Notes.

The Registered Homes Act 1984

16. The Registered Homes Act 1984 covers independent residential care homes, nursing homes and mental nursing homes and private hospitals. Residential care homes, which provide residential accommodation with both board and personal care (but not nursing or mental nursing care) are registered under Part I. Homes which provide nursing or mental nursing care are registered under Part II. The definition of nursing home in Part II embraces a wide spectrum of provision from traditional nursing homes and mental nursing homes through to clinics, acute hospitals and psychiatric hospitals. There are exemptions from the requirement to register. Exemptions include children’s homes as defined in the Children Act 1989, NHS hospitals and residential homes provided by local authorities under Part III of the National Assistance Act 1948. Homes may be dually registered under Parts I and II.

The Children Act 1989

17. The Children Act provides for three types of children’s home: community homes (which include controlled and assisted community homes), voluntary homes and registered homes:

- **Community homes** (Part VI of the Children Act) are provided by, or partly financed by, local authorities. Homes provided and financed by local authorities are known as maintained community homes. Homes provided by a voluntary organisation and partly funded by local authorities are known as controlled or assisted community homes. Community homes are not required to register but are inspected by local authorities.

- **Voluntary homes** (Part VII of the Children Act) are provided by charities or other not-for-profit organisations (voluntary organisations). They are regulated by the Secretary of State.

- **Registered Children’s Homes** (Part VIII of the Children Act) are provided by private individuals or companies for profit. They are registered by the local authority. Small private children’s homes which accommodate fewer than four children, are not required to register at present and are not inspected.
Other Relevant Legislation

18. Other services covered by this Act are provided for either in these Acts or other legislation. Local authorities provide fostering and adoption services under the Children Act 1989 and the Adoption Act 1976 respectively. Nurses agencies are subject to the Nurses Agencies Act 1957. Matters relating to the regulation of training for social workers are dealt with under the HASSASSA Act.

19. Legislation relating to child minding and day care provision in England and Wales is set out in Part X of the Children Act 1989, which places a duty on local authorities to keep a register of childminders and day care providers, and to require providers to meet reasonable standards. The legislation governing nursery education inspections is in the School Standards and Framework Act 1998, and applies to both England and Wales.

20. The Protection of Children Act 1999 provides for the Secretary of State to maintain a list of persons unsuitable to work with children. Childcare organisations are required in certain circumstances to refer individuals for inclusion on the list, and to check whether an individual is included on the list before offering them work in a child care position. They are prohibited from taking the person on if he is listed. An independent tribunal is established by section 9 to hear appeals against inclusion on the list. The Act amends Part V of the Police Act 1997 to allow information about inclusion on the list to be available where appropriate from the Criminal Records Bureau (CRB) as part of a criminal record certificate or an enhanced criminal record certificate. Until such time as the CRB takes on its functions under Part V of the Police Act 1997, those who must make inquiries under the Act about the inclusion or otherwise of an individual in the list will be entitled to the information from the Secretary of State.