
STATUTORY INSTRUMENTS

2001 No. 3967

The Children's Homes Regulations 2001

PART I
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Children's Homes Regulations 2001 and shall come into force on 1st April 2002.

(2) These Regulations extend to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“the 1989 Act” means the Children Act 1989(1);

“child protection enquiry” has the meaning given to it by regulation 16(3);

“children's guide” means the guide produced in accordance with regulation 4(3);

“general practitioner” means a registered medical practitioner who—

(a) provides general medical services under Part II of the National Health Service Act 1977(2);

(b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(3); or

(c) provides services which correspond to services provided under Part II of the National Health Service Act 1977, otherwise than in pursuance of that Act;

“organisation”, other than in regulation 17, means a body corporate or any unincorporated association other than a partnership;

“placement plan” means the written plan prepared in accordance with regulation 12(1);

“placing authority” in relation to a child accommodated in a children's home means—

(a) in the case of a child who is looked after by a local authority, that local authority;

(b) in the case of a child who is not looked after by a local authority—

(i) if he is being provided with accommodation by a voluntary organisation(4), that voluntary organisation;

(1) 1989 c. 41.

(2) 1977 c. 49.

(3) 1997 c. 46.

(4) Section 59 of the 1989 Act governs the provision of accommodation for children by voluntary organisations.

- (ii) if he is accommodated in a qualifying school under arrangements made by a local education authority or a local authority, that local education authority or local authority as the case may be;
- (iii) in any other case, the child's parent⁽⁵⁾;

“qualifying school” means a school which is a children's home within the meaning of section 1(6) of the Act;

“registered dental practitioner” means a person registered in the dentists register under the Dentists Act 1984⁽⁶⁾;

“registered manager”, in relation to a children's home, means a person who is registered under Part II of the Act as the manager of that home;

“registered person”, in relation to a children's home, means any person who is the registered provider or the registered manager of the home;

“registered provider”, in relation to a children's home, means a person who is registered under Part II of the Act as the person carrying on that home⁽⁷⁾;

“responsible individual” shall be construed in accordance with regulation 6(2)(c); and

“statement of purpose” means the written statement compiled in accordance with regulation 4(1).

(2) In these Regulations, a reference—

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph, is to the sub-paragraph in that paragraph bearing that letter or number.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

Excepted establishments

3.—(1) For the purposes of the Act, establishments of the following descriptions are excepted from being a children's home—

- (a) any institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992⁽⁸⁾;
- (b) subject to paragraph (2), any establishment providing accommodation for children for less than 28 days in any twelve month period in relation to any one child, for the purposes of—
 - (i) a holiday; or
 - (ii) recreational, sporting, cultural or educational activities;

(5) By section 121(1) of the Care Standards Act, “parent” in relation to a child, includes any person who is not a parent of his but who has parental responsibility for him.

(6) 1984 c. 24.

(7) See section 121(6) to (8) of the Care Standards Act 2000 for provision about the persons who are taken to carry on and manage a community home which is provided by a voluntary organisation.

(8) 1992 c. 13.

- (c) subject to paragraph (2), any premises at which a person provides day care within the meaning of Part XA of the 1989 Act for less than 28 days in any twelve month period in relation to any one child;
- (d) subject to paragraph (2), any establishment providing accommodation for children aged 16 and over—
 - (i) to enable them to undergo training or apprenticeship;
 - (ii) for the purposes of a holiday; or
 - (iii) for recreational, sporting, cultural or educational purposes;
- (e) any approved bail hostel or approved probation hostel⁽⁹⁾; and
- (f) any institution provided for young offenders under or by virtue of section 43(1) of the Prison Act 1952⁽¹⁰⁾.

(2) The exceptions in paragraphs (1)(b), (c) and (d) do not apply to any establishment or premises in which the children who are accommodated are wholly or mainly of a description falling within section 3(2) of the Act.

(3) For the purposes of calculating the period of 28 days mentioned in paragraph (1)(c), no account is to be taken of any period of 24 hours during which at least 9 hours are spent by a child in the care of his parent or relative⁽¹¹⁾, and day care is not provided for him during that time.

Statement of purpose and children’s guide

4.—(1) The registered person shall compile in relation to the children’s home a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered person shall provide a copy of the statement of purpose to the Commission⁽¹²⁾ and shall make a copy of it available upon request for inspection by—

- (a) any person who works at the children’s home;
- (b) any child accommodated in the children’s home;
- (c) the parent of any child accommodated in the children’s home;
- (d) the placing authority of any child accommodated in the home; and
- (e) in the case of a qualifying school, the Secretary of State, and Her Majesty’s Inspector of Schools in England,

and in this paragraph references to a child who is accommodated in the children’s home include a child in respect of whom accommodation in the children’s home is being considered.

(3) The registered person shall produce a guide to the children’s home (in these Regulations referred to as “the children’s guide”) which shall include—

- (a) a summary of the home’s statement of purpose;
- (b) a summary of the complaints procedure established under regulation 24; and
- (c) the address and telephone number of the Commission.

⁽⁹⁾ See section 9 (2) of the Criminal Justice and Court Services Act 2000 (c. 43).

⁽¹⁰⁾ c. 52. Amended by section 170(1) of and paragraphs 11 and 12 of Schedule 15, and Schedule 16, to the Criminal Justice Act 1988 (c. 33); sections 5(2), 18(3) and 168(3) of and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33); section 119 of, and paragraph 6 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37); and section 165(1) of, and paragraph 5 of Schedule 9 to, the Powers of the Criminal Courts (Sentencing) Act 2000 (c. 6). Subsection (1)(a) of section 43 is to be repealed by sections 59 and 75 of, and Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43) on a date to be appointed.

⁽¹¹⁾ By section 121(1) of the Care Standards Act 2000, “relative” has the same meaning as in the 1989 Act.

⁽¹²⁾ By virtue of section 6(1) of the Care Standards Act 2000, the Commission means the National Care Standards Commission established under that Act.

(4) The children’s guide shall be produced in a form appropriate to the age, understanding and communication needs of the children to be accommodated in the home.

(5) The registered person shall supply a copy of the children’s guide to the Commission and, on admission, to each child accommodated in the home.

(6) Subject to paragraph (7), the registered person shall ensure that the children’s home is at all times conducted in a manner which is consistent with its statement of purpose.

(7) Nothing in paragraph (6) or in regulation 31 shall require or authorise the registered person to contravene or not comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

Review of the statement of purpose and children’s guide

5. The registered person shall—

- (a) keep under review and, where appropriate, revise the statement of purpose and the children’s guide;
- (b) notify the Commission of any such revision within 28 days; and
- (c) if the children’s guide is revised, supply a copy to each child accommodated in the home.