

---

STATUTORY INSTRUMENTS

---

**2001 No. 3967**

**The Children's Homes Regulations 2001**

**PART III**

**CONDUCT OF CHILDREN'S HOMES**

**CHAPTER 2**

*Staffing*

**Staffing of children's homes**

**25.**—(1) The registered person shall ensure that there is at all times, having regard to—

- (a) the size of the children's home, the statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there; and
- (b) the need to safeguard and promote the health and welfare of the children accommodated in the home,

a sufficient number of suitably qualified, competent and experienced persons working at the children's home.

(2) The registered person shall ensure that the employment of any persons on a temporary basis at the children's home will not prevent children from receiving such continuity of care as is reasonable to meet their needs.

**Fitness of workers**

**26.**—(1) The registered person shall not—

- (a) employ a person to work at the children's home unless that person is fit to work at a children's home; or
- (b) allow a person to whom paragraph (2) applies to work at the children's home unless that person is fit to work at a children's home.

(2) This paragraph applies to any person who is employed by a person other than the registered person to work at the children's home in a position in which he may in the course of his duties have regular contact with children accommodated there.

(3) For the purposes of paragraph (1), a person is not fit to work at a children's home 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 the purposes of the work he is to perform; and
- (d) full and satisfactory information is available in relation to him in respect of the following matters—

- (i) except where paragraph (4) applies, each of the matters specified in paragraphs 1 to 6 of Schedule 2;

(ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.

(4) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997<sup>(1)</sup> has not been brought into force.

(5) The registered person shall ensure that—

- (a) any offer of employment to a person is subject to paragraph (3)(d) being complied with in relation to that person; and
- (b) unless paragraph (6) applies, no person starts work at a children's home until such time as paragraph (3)(d) has been complied with in relation to him.

(6) Where the following conditions apply, the registered person may permit a person to start work at a children's home notwithstanding paragraph (5)(b)—

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;
- (b) full and satisfactory information in respect of that person has been obtained in relation to—
  - (i) paragraph 1 of Schedule 2; and
  - (ii) except where paragraph (4) applies, paragraph 2 of that Schedule;
  - (iii) where paragraph (4) applies, paragraph 7 of that Schedule;
- (c) the registered person considers that the circumstances are exceptional; and
- (d) pending receipt of, and satisfying himself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his duties.

(6) The registered person shall take reasonable steps to ensure that any person working at the children's home who is not employed by him and to whom paragraph (2) does not apply, is appropriately supervised while carrying out his duties.

### **Employment of staff**

27.—(1) The registered person shall—

- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The registered person shall operate a disciplinary procedure which, in particular—

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children accommodated in the home; and
- (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse, of a child accommodated in the home to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(3) For the purposes of paragraph (2)(b), an appropriate person is the registered person, an officer of the Commission or of the local authority in whose area the home is situated, or a police officer.

(4) The registered person shall ensure that all persons employed by him—

- (a) receive appropriate training, supervision and appraisal; and

---

<sup>(1)</sup> See the footnote to regulation 6(4).

- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.