
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Children's Homes Regulations 2001.

In Part 1, regulation 1 applies these Regulations to persons aged 18 or over, as they apply to children, where the person is accommodated in a children's home and they are not employed to work in or for the home. Regulation 3 excludes certain establishments from the definition of a children's home under section 1 of the Care Standards Act 2000 ("the CSA 2000").

In Chapter 1 of Part 2, regulations 4 to 14 set out various standards that children's homes must meet. Regulation 15 requires a person registered in respect of a home ("the registered person") to have regard to a statement of standards for homes published by the Secretary of State under section 23 of the CSA 2000.

Chapter 2 of Part 2 of the Regulations makes provision about the conduct of children's homes. Regulation 16 requires each home to have a statement of purpose covering the matters in Schedule 1; the home must be carried on in a manner that is consistent with the statement of purpose. Regulations 17 and 18 set out what a registered person is required to do in relation to formulating children's placement plans. Regulation 19 sets out how homes must approach behaviour management and discipline. Regulation 20 sets out the circumstances when restraint can be used in relation to a child; it also makes it clear that the Regulations do not prevent deprivation of a child's liberty that is in accordance with a court order. Regulations 21 to 25 make provision as to children's privacy and access to premises, arrangements for contact and visitors, arrangements for handling and storing medicines, the use of surveillance devices and fire precautions.

Part 3 contains provisions about the persons carrying on and managing the home, and requires satisfactory information to be available in relation to the matters prescribed in Schedule 2.

Where the registered provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 26). Regulation 27 prescribes the circumstances where a manager must be appointed for the home. Regulation 28 makes provision about the requirements of managers and the qualifications that a manager must hold or obtain. Regulation 29 imposes general requirements in relation to the proper conduct of the home, and the need for continuing professional development of the registered person.

Part 4 contains provisions about the staffing of homes, the fitness of workers and the qualifications that staff working in a care role must hold or obtain. Regulation 32 requires satisfactory information to be available about staff in relation to the matters prescribed in Schedule 2.

Part 5 contains provisions about the policies that homes must have in place, record keeping (in particular, in relation to the records set out in Schedules 3 and 4), complaints and notifications that must be made when certain events occur.

Part 6 contains provisions about the management of the home. Regulations 43 and 44 require a provider to appoint an independent person to examine and report on, in particular, the quality of care provided by the home. Regulation 45 requires the registered person to review the quality of care provided by the home at least once every 6 months. Regulation 46 requires the registered person to review annually the appropriateness and suitability of the home's location. Regulation 47 imposes requirements as to the home's financial position.

Part 7 contains miscellaneous provisions dealing with the giving of notices to HMCI, requirements where a liquidator is appointed or a registered person dies, the application of the Regulations to short breaks and secure children's homes (with the modifications set out in Schedule 5), amendments and revocations. Regulation 57 requires the Secretary of State to review the operation and effect of the Regulations, and to publish a report about this, before 1st April 2020.

Changes to legislation: *There are currently no known outstanding effects for the The Children's Homes (England) Regulations 2015. (See end of Document for details)*

An impact assessment of the effect that the Regulations will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum. These are available alongside the Regulations at www.legislation.gov.uk.

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