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STATUTORY INSTRUMENTS

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**2015 No. 541**

**The Children's Homes (England) Regulations 2015**

**PART 2**

**Quality standards and related matters**

**CHAPTER 2**

**Matters related to the quality standards**

**Statement of purpose**

**16.**—(1) The registered person must compile in relation to the children's home a statement ("the statement of purpose") which covers the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to HMCI and make a copy of it available upon request to—

- (a) a person who works at the home;
- (b) a child, or a child for whom accommodation in the home is being considered;
- (c) a parent of a child, or a parent of a child for whom accommodation in the home is being considered;
- (d) a child's placing authority; and
- (e) in the case of a qualifying school, the Secretary of State.

(3) The registered person must—

- (a) keep the statement of purpose under review and, where appropriate, revise it; and
- (b) notify HMCI of any revisions and send HMCI a copy of the revised statement within 28 days of the revision.

(4) If a home has a website, the registered person must ensure that a copy of the statement of purpose is published on that website unless the registered person considers that such publication would prejudice the welfare of children in the home.

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

(6) Nothing in paragraph (5) or regulation 46 (review of premises) requires or authorises the registered person to contravene or not comply with—

- (a) any other provision of these Regulations; or
- (b) any conditions in relation to the registration of the registered person under Part 2 of the Care Standards Act 2000.

**Placement plan for looked after child**

**17.**—(1) This regulation applies to a child who is looked after by a local authority.

(2) The registered person must co-operate with the child's placing authority in agreeing and signing the child's placement plan.

(3) The registered person must comply with requests by the child's placing authority to—

- (a) provide the placing authority with information relating to the child; and
- (b) provide a suitable representative to attend any meeting the placing authority may hold about the child.

(4) Where the child is a youth justice child, when co-operating with the placing authority the registered person must have regard to any other plan or plans prepared by the placing authority in relation to the remand or sentencing of the child.

### **Placement plan for a child who is not looked after**

**18.**—(1) This regulation applies to a child who is not looked after by a local authority.

(2) If the child is placed in a children's home by a voluntary organisation, the registered person must co-operate with the voluntary organisation in agreeing and signing the child's placement plan prepared under regulations 4 and 5 of the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011 ("the 2011 Regulations").

(3) Paragraphs (4) to (9) apply if—

- (a) the child is not placed in a home by a voluntary organisation; and
- (b) the registered provider is not required to prepare a placement plan for the child under regulations 4 and 5 of the 2011 Regulations.

(4) The registered person must prepare a placement plan for the child before the child is admitted to the home or, if that is not reasonably practicable, as soon as possible after the child is admitted to the home.

(5) The placement plan must set out, in particular—

- (a) how, on a day-to-day basis, the child will be cared for, and the child's welfare safeguarded and promoted by the home;
- (b) the arrangements made for the child's care, education and health; and
- (c) any arrangements made for contact with the child's parents, relatives and friends.

(6) The registered person must consult the child's placing authority when preparing the placement plan.

(7) The registered person must keep under review and revise the placement plan as necessary.

(8) In preparing or reviewing the placement plan the registered person must—

- (a) so far as reasonably practicable, having regard to the child's age and understanding, seek and take account of the child's views, wishes and feelings; and
- (b) if the child is a youth justice child, have regard to any other plan or plans prepared by the youth justice child's placing authority in relation to the remand or sentencing of the youth justice child.

(9) The registered person must so far as is reasonably practicable—

- (a) ensure that the placement plan is consistent with any plan for the child's care prepared by the child's placing authority; and
- (b) comply with requests made by the child's placing authority to—
  - (i) provide the placing authority with information relating to the child; and
  - (ii) provide a suitable representative to attend any meeting the placing authority may hold about the child.

### **Behaviour management and discipline**

**19.**—(1) No measure of control or discipline which is excessive, unreasonable or contrary to paragraph (2) may be used in relation to any child.

(2) The following measures may not be used to discipline any child—

- (a) any form of corporal punishment;
- (b) any punishment involving the consumption or deprivation of food or drink;
- (c) any restriction, other than one imposed by a court or in accordance with regulation 22 (contact and access to communications), on—
  - (i) a child's contact with parents, relatives or friends;
  - (ii) visits to the child by the child's parents, relatives or friends;
  - (iii) a child's communications with any persons listed in regulation 22(1) (contact and access to communications); or
  - (iv) a child's access to any internet-based or telephone helpline providing counselling for children;
- (d) the use or withholding of medication, or medical or dental treatment;
- (e) the intentional deprivation of sleep;
- (f) imposing a financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;
- (g) any intimate physical examination;
- (h) withholding any aids or equipment needed by a disabled child;
- (i) any measure involving a child imposing any measure against another child; or
- (j) any measure involving punishing a group of children for the behaviour of an individual child.

(3) Nothing in this regulation prohibits—

- (a) the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner which is necessary to protect the health of the child; or
- (b) taking any action that is necessary to prevent injury to any person or serious damage to property.

### **Restraint and deprivation of liberty**

**20.**—(1) Restraint in relation to a child is only permitted for the purpose of preventing—

- (a) injury to any person (including the child);
- (b) serious damage to the property of any person (including the child); or
- (c) a child who is accommodated in a secure children's home from absconding from the home.

(2) Restraint in relation to a child must be necessary and proportionate.

(3) These Regulations do not prevent a child from being deprived of liberty where that deprivation is authorised in accordance with a court order.

### **Privacy and access**

**21.** The registered person must ensure that—

- (a) the privacy of children is appropriately protected;

- (b) children can access all appropriate areas of the children's home's premises; and
- (c) any limitation placed on a child's privacy or access to any area of the home's premises—
  - (i) is intended to safeguard each child accommodated in the home;
  - (ii) is necessary and proportionate;
  - (iii) is kept under review and, if necessary, revised; and
  - (iv) allows children as much freedom as is possible when balanced against the need to protect them and keep them safe.

### Contact and access to communications

**22.**—(1) The registered person must ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately at any reasonable time with the child's parents, friends, relatives or any of the following persons—

- (a) a solicitor or other adviser or advocate acting for the child;
- (b) an officer of the Children and Family Court Advisory and Support Service appointed for the child;
- (c) a social worker assigned to the child;
- (d) a person authorised by HMCI;
- (e) a person authorised by the local authority in whose area the home is located;
- (f) a person appointed pursuant to section 23ZB (independent visitors for children looked after by a local authority) of the Children Act 1989<sup>(1)</sup>;
- (g) a person authorised in accordance with section 80(2) of the Children Act 1989 by the Secretary of State to conduct an inspection in relation to the home and the children there;
- (h) a person appointed under the Children Act 1989 Representations Procedure (England) Regulations 2006<sup>(2)</sup>;
- (i) an independent person visiting the home under regulation 44.

(2) The facilities may be at a different address if a certificate under section 51 of the Children Act 1989<sup>(3)</sup> is in force in relation to the home.

(3) Subject to paragraph (5), the registered person must ensure that children are provided at all reasonable times with access to the following facilities which they may use without reference to persons working in the home—

- (a) a telephone on which to make and receive telephone calls in private; and
- (b) facilities to send and receive post and, if the necessary facilities are provided for the use of children, electronic mail, in private.

(4) The registered person must ensure that a disabled child accommodated in the home is provided with access to such aids and equipment as the child may require as a result of the child's disability in order to facilitate the child's communication with other persons.

(5) If the registered person considers it to be necessary for the purpose of safeguarding or promoting the welfare of a child, the registered person may impose conditions, prohibitions or restrictions upon a child's—

- (a) contact with parents, friends or relatives; or

(1) Section 23ZB of the Children Act 1989 was inserted by section 16 of the CYPA 2008.

(2) [S.I. 2006/1738](#), as amended by [S.I. 2013/985](#).

(3) Section 51 of the Children Act 1989 was amended by: section 112 of, and paragraph 14 of Schedule 4 to, the Care Standards Act 2000 and [S.I. 2013/1465](#).

- (b) access to communications under paragraph (3).
- (6) No measure may be imposed by the registered person under paragraph (5) unless—
  - (a) the child’s placing authority consents to the imposition of the measure; or
  - (b) the measure is imposed in an emergency, and full details are given to the placing authority within 24 hours of its imposition.
- (7) This regulation is subject to any requirements imposed by a court in relation to contact between a child and any other person.

### **Medicines**

- 23.**—(1) The registered person must make arrangements for the handling, recording, safekeeping, safe administration and disposal of medicines received into the children’s home.
- (2) In particular the registered person must ensure that—
    - (a) medicines kept in the home are stored in a secure place so as to prevent any child from having unsupervised access to them;
    - (b) medicine which is prescribed for a child is administered as prescribed to the child for whom it is prescribed and to no other child; and
    - (c) a record is kept of the administration of medicine to each child.
  - (3) Paragraph (2) does not apply to medicine which—
    - (a) is stored by the child for whom it is provided in such a way that other persons are prevented from using it; and
    - (b) may be safely self-administered by that child.
  - (4) In this regulation, “prescribed” means—
    - (a) ordered for a patient, for provision to the patient, under or by virtue of the National Health Service Act 2006 or section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(4)</sup>; or
    - (b) in a case not falling within sub-paragraph (a), prescribed for a patient in accordance with regulation 217 of the Human Medicines Regulations 2012<sup>(5)</sup>.

### **Monitoring and surveillance**

- 24.**—(1) The registered person may only use devices for the monitoring or surveillance of children if—
- (a) the monitoring or surveillance is for the purpose of safeguarding and promoting the welfare of the child concerned, or other children;
  - (b) the child’s placing authority consents in writing to the monitoring or surveillance;
  - (c) so far as reasonably practicable in the light of the child’s age and understanding, the child is informed in advance of the intention to do the monitoring or surveillance; and
  - (d) the monitoring or surveillance is no more intrusive than necessary, having regard to the child’s need for privacy.
- (2) This regulation is subject to any monitoring or surveillance requirements imposed by a court.

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(4) 2003 c.43.

(5) S.I. 2012/1916, as amended by S.I. 2014/490.

## Fire precautions

- 25.—(1) After consultation with the fire and rescue authority, the registered person must—
- (a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment in the children’s home;
  - (b) provide adequate means of escape from the home in the event of fire;
  - (c) make arrangements for persons working at the home to receive suitable training in fire prevention; and
  - (d) ensure, by means of fire drills and practices at suitable intervals, that persons working at the home and, so far as reasonably practicable, children are aware of the procedure to be followed in case of fire.
- (2) If the Regulatory Reform (Fire Safety) Order 2005(6) applies to the home—
- (a) paragraph (1) does not apply; and
  - (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the home.
- (3) In this regulation, “the fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004(7) for the area in which the home is located.

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(6) [S.I. 2005/1541](#), as amended by: [S.I. 2006/484](#); [2007/320](#); [2008/960](#); paragraph 88 of Schedule 12 to the Energy Act 2013 ([c.32](#)); [S.I. 2014/469](#).

(7) [2004 c.21](#), as amended by paragraph 10 of Schedule 2 to the Civil Contingencies Act 2004 ([c.36](#)). See section 1 for the definition of “fire and rescue authority”.