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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 1

Quality standards

**Quality standards for children's homes**

**4.** The following standards (“the quality standards”) are prescribed for the purposes of section 22(1A) of the Care Standards Act 2000 in relation to children's homes—

- (a) the quality and purpose of care standard (see regulation 6);
- (b) the children's views, wishes and feelings standard (see regulation 7);
- (c) the education standard (see regulation 8);
- (d) the enjoyment and achievement standard (see regulation 9);
- (e) the health and well-being standard (see regulation 10);
- (f) the positive relationships standard (see regulation 11);
- (g) the protection of children standard (see regulation 12);
- (h) the leadership and management standard (see regulation 13);
- (i) the care planning standard (see regulation 14).

**Engaging with the wider system to ensure children's needs are met**

**5.** In meeting the quality standards, the registered person must, and must ensure that staff—

- (a) seek to involve each child's placing authority effectively in the child's care, in accordance with the child's relevant plans;
- (b) seek to secure the input and services required to meet each child's needs;
- (c) if the registered person considers, or staff consider, a placing authority's or a relevant person's performance or response to be inadequate in relation to their role, challenge the placing authority or the relevant person to seek to ensure that each child's needs are met in accordance with the child's relevant plans; and
- (d) seek to develop and maintain effective professional relationships with such persons, bodies or organisations as the registered person considers appropriate having regard to the range of needs of children for whom it is intended that the children's home is to provide care and accommodation.

### **The quality and purpose of care standard**

- 6.—(1) The quality and purpose of care standard is that children receive care from staff who—
- (a) understand the children's home's overall aims and the outcomes it seeks to achieve for children;
  - (b) use this understanding to deliver care that meets children's needs and supports them to fulfil their potential.
- (2) In particular, the standard in paragraph (1) requires the registered person to—
- (a) understand and apply the home's statement of purpose;
  - (b) ensure that staff—
    - (i) understand and apply the home's statement of purpose;
    - (ii) protect and promote each child's welfare;
    - (iii) treat each child with dignity and respect;
    - (iv) provide personalised care that meets each child's needs, as recorded in the child's relevant plans, taking account of the child's background;
    - (v) help each child to understand and manage the impact of any experience of abuse or neglect;
    - (vi) help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult;
    - (vii) provide to children living in the home the physical necessities they need in order to live there comfortably;
    - (viii) provide to children personal items that are appropriate for their age and understanding; and
    - (ix) make decisions about the day-to-day arrangements for each child, in accordance with the child's relevant plans, which give the child an appropriate degree of freedom and choice;
  - (c) ensure that the premises used for the purposes of the home are designed and furnished so as to—
    - (i) meet the needs of each child; and
    - (ii) enable each child to participate in the daily life of the home; and
  - (d) ensure that any care that is arranged or provided for a child that—
    - (i) relates to the child's development (within the meaning of section 17(11) of the Children Act 1989) or health; and
    - (ii) is not arranged or provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 <sup>M1</sup>,satisfies the conditions in paragraph (3).
- (3) The conditions are—
- (a) that the care is approved, and kept under review throughout its duration, by the placing authority;
  - (b) that the care meets the child's needs;
  - (c) that the care is delivered by a person who—
    - (i) has the experience, knowledge and skills to deliver that care; and
    - (ii) is under the supervision of a person who is appropriately skilled and qualified to supervise that care; and

- (d) that the registered person keeps the child's general medical practitioner informed, as necessary, about the progress of the care throughout its duration.

#### Marginal Citations

- M1** 2006 c.41. Section 1 of the National Health Service Act 2006 was substituted by section 1 of the Health and Social Care Act 2012 (c.7).

### The children's views, wishes and feelings standard

7.—(1) The children's views, wishes and feelings standard is that children receive care from staff who—

- (a) develop positive relationships with them;
- (b) engage with them; and
- (c) take their views, wishes and feelings into account in relation to matters affecting the children's care and welfare and their lives.

(2) In particular, the standard in paragraph (1) requires the registered person to—

- (a) ensure that staff—
  - (i) ascertain and consider each child's views, wishes and feelings, and balance these against what they judge to be in the child's best interests when making decisions about the child's care and welfare;
  - (ii) help each child to express views, wishes and feelings;
  - (iii) help each child to understand how the child's views, wishes and feelings have been taken into account and give the child reasons for decisions in relation to the child;
  - (iv) regularly consult children, and seek their feedback, about the quality of the home's care;
  - (v) help each child to understand how the child's privacy will be respected and the circumstances when it may have to be limited;
  - (vi) help each child to prepare for any review of the child's relevant plans and to make the child's views, wishes and feelings known for the purposes of that review; and
  - (vii) make each child aware of and, if necessary, remind them of each of the matters in sub-paragraph (d)(i) to (iii);
- (b) ensure that each child—
  - (i) is enabled to provide feedback to, and raise issues with, a relevant person about the support and services that the child receives;
  - (ii) has access to the home's children's guide, and the home's complaints procedure, when the child's placement in the home is agreed and throughout the child's stay in the home; and
  - (iii) is given appropriate advocacy support;
- (c) keep the children's guide and the home's complaints procedure under review and seek children's comments before revising either document;
- (d) ensure that an explanation is given to each child as soon as reasonably practicable after the child's arrival about—
  - (i) the children's guide;

- (ii) how to make a complaint or representations in relation to the home or the care the child receives and how any such complaint or representations will be dealt with; and
- (iii) what advocacy support or services are available to the child, how the child may access that support or those services and any entitlement the child may have to independent advocacy provision; and
- (e) ensure that the views of each relevant person are taken into account, so far as reasonably practicable, before making a decision about the care or welfare of a child.

### **The education standard**

8.—(1) The education standard is that children make measurable progress towards achieving their educational potential and are helped to do so.

- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff—
    - (i) help each child to achieve the child's education and training targets, as recorded in the child's relevant plans;
    - (ii) support each child's learning and development, including helping the child to develop independent study skills and, where appropriate, helping the child to complete independent study;
    - (iii) understand the barriers to learning that each child may face and take appropriate action to help the child to overcome any such barriers;
    - (iv) help each child to understand the importance and value of education, learning, training and employment;
    - (v) promote opportunities for each child to learn informally;
    - (vi) maintain regular contact with each child's education and training provider, including engaging with the provider and the placing authority to support the child's education and training and to maximise the child's achievement;
    - (vii) raise any need for further assessment or specialist provision in relation to a child with the child's education or training provider and the child's placing authority;
    - (viii) help a child who is excluded from school, or who is of compulsory school age but not attending school, to access educational and training support throughout the period of exclusion or non-attendance and to return to school as soon as possible;
    - (ix) help each child who is above compulsory school age to participate in further education, training or employment and to prepare for future care, education or employment;
    - (x) help each child to attend education or training in accordance with the expectations in the child's relevant plans; and
  - (b) that each child has access to appropriate equipment, facilities and resources to support the child's learning.

### **The enjoyment and achievement standard**

9.—(1) The enjoyment and achievement standard is that children take part in and benefit from a variety of activities that meet their needs and develop and reflect their creative, cultural, intellectual, physical and social interests and skills.

- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff help each child to—

- (i) develop the child's interests and hobbies;
  - (ii) participate in activities that the child enjoys and which meet and expand the child's interests and preferences; and
  - (iii) make a positive contribution to the home and the wider community; and
- (b) that each child has access to a range of activities that enable the child to pursue the child's interests and hobbies.

### **The health and well-being standard**

**10.**—(1) The health and well-being standard is that—

- (a) the health and well-being needs of children are met;
  - (b) children receive advice, services and support in relation to their health and well-being; and
  - (c) children are helped to lead healthy lifestyles.
- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff help each child to—
    - (i) achieve the health and well-being outcomes that are recorded in the child's relevant plans;
    - (ii) understand the child's health and well-being needs and the options that are available in relation to the child's health and well-being, in a way that is appropriate to the child's age and understanding;
    - (iii) take part in activities, and attend any appointments, for the purpose of meeting the child's health and well-being needs; and
    - (iv) understand and develop skills to promote the child's well-being;
  - (b) that each child is registered as a patient with a general medical practitioner and a registered dental practitioner; and
  - (c) that each child has access to such dental, medical, nursing, psychiatric and psychological advice, treatment and other services as the child may require.

### **The positive relationships standard**

**11.**—(1) The positive relationships standard is that children are helped to develop, and to benefit from, relationships based on—

- (a) mutual respect and trust;
  - (b) an understanding about acceptable behaviour; and
  - (c) positive responses to other children and adults.
- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff—
    - (i) meet each child's behavioural and emotional needs, as set out in the child's relevant plans;
    - (ii) help each child to develop socially aware behaviour;
    - (iii) encourage each child to take responsibility for the child's behaviour, in accordance with the child's age and understanding;
    - (iv) help each child to develop and practise skills to resolve conflicts positively and without harm to anyone;

- (v) communicate to each child expectations about the child's behaviour and ensure that the child understands those expectations in accordance with the child's age and understanding;
  - (vi) help each child to understand, in a way that is appropriate according to the child's age and understanding, personal, sexual and social relationships, and how those relationships can be supportive or harmful;
  - (vii) help each child to develop the understanding and skills to recognise or withdraw from a damaging, exploitative or harmful relationship;
  - (viii) strive to gain each child's respect and trust;
  - (ix) understand how children's previous experiences and present emotions can be communicated through behaviour and have the competence and skills to interpret these and develop positive relationships with children;
  - (x) are provided with supervision and support to enable them to understand and manage their own feelings and responses to the behaviour and emotions of children, and to help children to do the same;
  - (xi) de-escalate confrontations with or between children, or potentially violent behaviour by children;
  - (xii) understand and communicate to children that bullying is unacceptable; and
  - (xiii) have the skills to recognise incidents or indications of bullying and how to deal with them; and
- (b) that each child is encouraged to build and maintain positive relationships with others.

### **The protection of children standard**

**12.**—(1) The protection of children standard is that children are protected from harm and enabled to keep themselves safe.

- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that staff—
    - (i) assess whether each child is at risk of harm, taking into account information in the child's relevant plans, and, if necessary, make arrangements to reduce the risk of any harm to the child;
    - (ii) help each child to understand how to keep safe;
    - (iii) have the skills to identify and act upon signs that a child is at risk of harm;
    - (iv) manage relationships between children to prevent them from harming each other;
    - (v) understand the roles and responsibilities in relation to protecting children that are assigned to them by the registered person;
    - (vi) take effective action whenever there is a serious concern about a child's welfare; and
    - (vii) are familiar with, and act in accordance with, the home's child protection policies;
  - (b) that the home's day-to-day care is arranged and delivered so as to keep each child safe and to protect each child effectively from harm;
  - (c) that the premises used for the purposes of the home are located so that children are effectively safeguarded;
  - (d) that the premises used for the purposes of the home are designed, furnished and maintained so as to protect each child from avoidable hazards to the child's health; and
  - (e) that the effectiveness of the home's child protection policies is monitored regularly.

### **The leadership and management standard**

13.—(1) The leadership and management standard is that the registered person enables, inspires and leads a culture in relation to the children's home that—

- (a) helps children aspire to fulfil their potential; and
  - (b) promotes their welfare.
- (2) In particular, the standard in paragraph (1) requires the registered person to—
- (a) lead and manage the home in a way that is consistent with the approach and ethos, and delivers the outcomes, set out in the home's statement of purpose;
  - (b) ensure that staff work as a team where appropriate;
  - (c) ensure that staff have the experience, qualifications and skills to meet the needs of each child;
  - (d) ensure that the home has sufficient staff to provide care for each child;
  - (e) ensure that the home's workforce provides continuity of care to each child;
  - (f) understand the impact that the quality of care provided in the home is having on the progress and experiences of each child and use this understanding to inform the development of the quality of care provided in the home;
  - (g) demonstrate that practice in the home is informed and improved by taking into account and acting on—
    - (i) research and developments in relation to the ways in which the needs of children are best met; and
    - (ii) feedback on the experiences of children, including complaints received; and
  - (h) use monitoring and review systems to make continuous improvements in the quality of care provided in the home.

### **The care planning standard**

14.—(1) The care planning standard is that children—

- (a) receive effectively planned care in or through the children's home; and
  - (b) have a positive experience of arriving at or moving on from the home.
- (2) In particular, the standard in paragraph (1) requires the registered person to ensure—
- (a) that children are admitted to the home only if their needs are within the range of needs of children for whom it is intended that the home is to provide care and accommodation, as set out in the home's statement of purpose;
  - (b) that arrangements are in place to—
    - (i) ensure the effective induction of each child into the home;
    - (ii) manage and review the placement of each child in the home; and
    - (iii) plan for, and help, each child to prepare to leave the home or to move into adult care in a way that is consistent with arrangements agreed with the child's placing authority;
  - (c) that each child's relevant plans are followed;
  - (d) that, subject to regulation 22 (contact and access to communications), contact between each child and the child's parents, relatives and friends, is promoted in accordance with the child's relevant plans;

- (e) that the child's placing authority is contacted, and a review of that child's relevant plans is requested, if—
  - (i) the registered person considers that the child is at risk of harm or has concerns that the care provided for the child is inadequate to meet the child's needs;
  - (ii) the child is, or has been, persistently absent from the home without permission; or
  - (iii) the child requests a review of the child's relevant plans; and
- (f) that staff help each child to access and contribute to the records kept by the registered person in relation to the child.

### **Duty to have regard to statements of standards published under section 23 of the Care Standards Act 2000**

**15.** If the Secretary of State publishes a statement of standards in relation to children's homes under section 23 of the Care Standards Act 2000, the registered person must have regard to the statement<sup>M2</sup>.

#### **Marginal Citations**

**M2** Section 23 was amended by: paragraphs 103 and 110 of Schedule 3 to the ACA 2002; paragraphs 16 and 21 of Schedule 9 to the [Health and Social Care \(Community Health and Standards\) Act 2003 \(c.43\)](#); section 28 of the CYPA 2008 and section 104 of the C&FA 2014.

## 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) [<sup>F1</sup>The registered person][<sup>F1</sup>Subject to paragraph (1A) 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>M3</sup>[<sup>F2</sup>or section 98 of the Social Services and Well-being (Wales) Act 2014 (independent visitors for looked after children)];
- (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>M4</sup>;
- (i) an independent person visiting the home under regulation 44.

[<sup>F3</sup>(1A) Where paragraph (1B) applies any meeting referred to in paragraph (1) may take place by telephone, video-link or other electronic means.

- (1B) This paragraph applies where a meeting taking place in accordance with paragraph (1)—
- (a) would be contrary to any guidance relating to the incidence or transmission of coronavirus published by Public Health England or the Secretary of State for Health and Social Care, or

(b) is not reasonably practicable for a reason relating to the incidence or transmission of coronavirus.

(1C) The registered person must keep a record of any meeting carried out in accordance with paragraph (1A).

(1D) in this paragraph “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).]

(2) The facilities may be at a different address if a certificate under section 51 of the Children Act 1989 <sup>M5</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
- (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.

- F1** Words in reg. 22(1) substituted (temp.) (25.9.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) \(No.2\) Regulations 2020 \(S.I. 2020/909\)](#), regs. 1(3), **6(2)(a)** (with reg. 8)
- F2** Words in reg. 22(1)(f) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 183**
- F3** Reg. 22(1A)-(1D) inserted (temp.) (25.9.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) \(No.2\) Regulations 2020 \(S.I. 2020/909\)](#), regs. 1(3), **6(2)(b)** (with reg. 8)

#### Marginal Citations

- M3** Section 23ZB of the Children Act 1989 was inserted by section 16 of the CYPA 2008.
- M4** [S.I. 2006/1738](#), as amended by [S.I. 2013/985](#).
- M5** 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](#).

#### 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>M6</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>M7</sup>.

#### Marginal Citations

M6 2003 c.43.

M7 S.I. 2012/1916, as amended by S.I. 2014/490.

### 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.

### 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 <sup>M8</sup> 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 <sup>M9</sup> for the area in which the home is located.

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**Marginal Citations**

- M8** [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](#).
- M9** [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”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Children's Homes (England) Regulations 2015, PART 2.