
STATUTORY INSTRUMENTS

2015 No. 541

The Children's Homes (England) Regulations 2015

PART 4

Staffing

Staffing of children's homes

31.—(1) The registered person must ensure that the employment of any person on a temporary basis at the children's home does not prevent children from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person must ensure that—

- (a) at all times, at least one person on duty at the home has a suitable first aid qualification;
- (b) any person who works as a nurse at the home is a registered nurse.

Fitness of workers

32.—(1) The registered person must recruit staff using recruitment procedures that are designed to ensure children's safety.

(2) The registered person may only—

- (a) employ an individual to work at the children's home; or
- (b) if an individual is employed by a person other than the registered person to work at the home in a position in which the individual may have regular contact with children, allow that individual to work at the home,

if the individual satisfies the requirements in paragraph (3).

(3) The requirements are that—

- (a) the individual is of integrity and good character;
- (b) the individual has the appropriate experience, qualification and skills for the work that the individual is to perform;
- (c) the individual is mentally and physically fit for the purposes of the work that the individual is to perform; and
- (d) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 2.

(4) For the purposes of paragraph (3)(b), an individual who works in the home in a care role has the appropriate qualification if, by the relevant date, the individual has attained—

- (a) the Level 3 Diploma for Residential Childcare (England) ("the Level 3 Diploma"); or
- (b) a qualification which the registered person considers to be equivalent to the Level 3 Diploma.

(5) The relevant date is—

- (a) in the case of an individual who starts working in a care role in a home after 1st April 2014, the date which falls 2 years after the date on which the individual started working in a care role in a home; or
 - (b) in the case of an individual who was working in a care role in a home on 1st April 2014, 1st April 2016.
- (6) The registered person may defer the relevant date if the individual—
- (a) does not work, or has not worked, in a care role in a home for a prolonged period; or
 - (b) works, or has worked, in a care role in a home on a part-time basis.
- (7) The registered person may permit an individual to start work at the home despite the fact that the requirement in paragraph (3)(d) has not been met if—
- (a) the registered person has taken all reasonable steps to obtain full information about each of the matters in Schedule 2 in respect of the individual, but the enquiries in relation to any of the matters in paragraphs 3 to 6 of Schedule 2 are incomplete;
 - (b) full and satisfactory information in respect of the individual has been obtained in relation to the matters in paragraphs 1 and 2 of Schedule 2;
 - (c) the registered person considers that the circumstances are exceptional; and
 - (d) the registered person ensures that the individual is appropriately supervised while carrying out the individual’s duties, pending receipt of any outstanding information on the matters in paragraphs 3 to 6 of Schedule 2, which is then considered satisfactory by the registered person.
- (8) The registered person must take reasonable steps to ensure that any individual who is working at the home and who does not fall within paragraph (2)(a) and (b) is appropriately supervised while carrying out the individual’s duties.

Employment of staff

- 33.**—(1) The registered person must—
- (a) ensure that each employee completes an appropriate induction;
 - (b) ensure that each permanent appointment of an employee is subject to the satisfactory completion of a period of probation; and
 - (c) provide each employee with a job description outlining the employee’s responsibilities.
- (2) The registered person must operate a disciplinary procedure which, in particular—
- (a) provides for the suspension from work of an employee if necessary in the interests of the safety or welfare of children; and
 - (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse, whether past or present, in relation to a child to the appropriate person is a ground on which disciplinary proceedings may be instituted.
- (3) For the purposes of this regulation, “the appropriate person” is the registered person, an officer of HMCI, an officer of the local authority in whose area the home is located or a police officer.
- (4) The registered person must ensure that all employees—
- (a) undertake appropriate continuing professional development;
 - (b) receive practice-related supervision by a person with appropriate experience; and
 - (c) have their performance and fitness to perform their roles appraised at least once every year.