

---

STATUTORY INSTRUMENTS

---

**2015 No. 541**

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

**PART 7**

Miscellaneous

**Notice of absence**

**48.**—(1) If the person who is in day-to-day charge of the children's home proposes to be absent from the home for a continuous period of 28 days or more, the registered person must give notice in writing to HMCI of the proposed absence.

(2) Except in the case of an emergency or unforeseen absence, a notice under paragraph (1) must—

- (a) be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with HMCI; and
- (b) specify with respect to the proposed absence—
  - (i) its length or expected length;
  - (ii) the reason for it;
  - (iii) the arrangements which have been made for running the home during the absence;
  - (iv) the address, name and qualifications of the person who will be responsible for the home during the absence; and
  - (v) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the home during the absence, including the proposed date by which the appointment is to be made.

(3) If the absence arises as a result of an emergency or is unforeseen, the registered person must give notice of the absence—

- (a) within one week of the beginning of the absence; and
- (b) specifying the matters in paragraph (2)(b).

(4) If the notice required under paragraph (2) or (3) has not been given as required, it must be given without delay.

(5) The registered person must notify HMCI of the return to duty of the person in day-to-day charge of the home not later than 7 days after the date of that person's return.

**Notice of changes**

**49.** The registered person must give notice in writing to HMCI, as soon as it is reasonably practicable to do so, if any of the following events take place or are expected by the registered person to take place—

- (a) a person other than the registered person carries on or manages the children's home;
- (b) a person ceases to carry on or manage the home;

- (c) if the registered provider is an individual—
  - (i) the individual's name changes;
  - (ii) a trustee in bankruptcy is appointed;
  - (iii) the individual makes a composition or arrangement with the individual's creditors;
- (d) if the registered provider is a partnership, any change in the membership of the partnership;
- (e) if the registered provider is an organisation—
  - (i) the organisation's name or address changes;
  - (ii) any change of director, manager, secretary or other similar officer of the organisation;
  - (iii) any change in the identity of the responsible individual;
- (f) if the registered provider is a company, a liquidator or a provisional liquidator, a manager or a receiver is appointed;
- (g) the premises of the home are significantly altered or extended, or additional premises are acquired.

#### **Appointment of liquidators etc.**

- 50.**—(1) This regulation applies to a person appointed (“the appointed person”) as—
- (a) the manager or receiver of the property of a company or partnership which is the registered provider of a children's home;
  - (b) a liquidator or provisional liquidator of a company which is the registered provider of a home; or
  - (c) the trustee in bankruptcy of the registered provider of a home.
- (2) The appointed person must—
- (a) have regard to children's welfare when acting in relation to the operation of the home and its future;
  - (b) without delay, notify HMCI of the appointed person's appointment and the reasons for it;
  - (c) if there is no registered manager, appoint a person to take day-to-day charge of the home; and
  - (d) not more than 28 days after the appointed person's appointment, notify HMCI of the appointed person's intentions regarding the future operation of the home.

#### **Death of registered person**

- 51.**—(1) If—
- (a) more than one person is registered in respect of a children's home; and
  - (b) a registered person dies,

the other registered person must notify HMCI of the death in writing without delay.

(2) If only one person is registered in respect of a home, and that person dies, that person's personal representatives must notify HMCI in writing—

- (a) without delay, of the death; and
  - (b) within 28 days, of their intentions regarding the future running of the home.
- (3) The personal representatives of a deceased registered provider—
- (a) may carry on the home without being registered in respect of it—
    - (i) for a period not exceeding 28 days;

- (ii) for such further period as may be determined in accordance with paragraph (4);
  - (b) must appoint a person to take day-to-day charge of the home during any period in which they carry on the home without being registered in respect of it; and
  - (c) must have regard to children's welfare when acting in relation to the operation of the home and its future.
- (4) HMCI—
- (a) may extend the period in paragraph (3)(a)(i) by such further period, not exceeding one year, as HMCI may determine; and
  - (b) must notify any such determination to the personal representatives in writing.

### **Application of the Regulations to short breaks and secure children's homes with modifications**

**52.**—(1) In the circumstances set out in paragraph (2), these Regulations apply in relation to a child with the modifications set out in paragraphs 1 and 2 of Schedule 5.

- (2) The circumstances are that—
- (a) the child is not in the care of a local authority; and
  - (b) the child is placed in a series of short term placements within children's homes (“short breaks”), and—
    - (i) no single placement is intended to last for more than 17 days;
    - (ii) at the end of each placement the child returns to the care of the child's parent or a person who is not the child's parent but who has parental responsibility for the child; and
    - (iii) the short breaks to date do not exceed 75 days in total in any twelve month period.

(3) These Regulations apply in relation to secure children's homes with the modifications set out in paragraphs 3 to 6 of Schedule 5.

### **Amendments**

**53.**—(1) The Care Standards Act 2000 (Registration) (England) Regulations 2010 <sup>M1</sup> are amended as follows.

- (2) In regulation 2(1) (*interpretation*)—
- (a) in the definition of “behaviour management policy”, for “regulation 17(2) of the Children's Homes Regulations 2001” substitute “ regulation 35(1) of the Children's Homes (England) Regulations 2015 ”;
  - (b) in the definition of “children's guide”, for “regulation 4(3) (statement of purpose and children's guide) of the Children's Homes Regulations 2001” substitute “ regulation 2(1) of the Children's Homes (England) Regulations 2015 ”;
  - (c) in the definition of “placement plan”, for “means the written plan prepared in accordance with regulation 12 or 12A of the Children's Homes Regulations 2001” substitute “ has the meaning given in regulation 2(1) of the Children's Homes (England) Regulations 2015 ”;
  - (d) in the definition of “statement of purpose”, for “regulation 4(1) of the Children's Homes Regulations 2001” substitute “ regulation 16(1) of the Children's Homes (England) Regulations 2015 ”.

(3) In paragraph 13(b) of Schedule 1 for “regulation 31(1A) of the Children's Homes Regulations 2001” substitute “ regulations 12(2)(c) and 46 of the Children's Homes (England) Regulations 2015 ”.

**Marginal Citations**

**M1** [S.I. 2010/2130](#), as amended by [S.I. 2013/446](#); [2013/706](#); [2013/1394](#) and [2013/3239](#).

**54.** In Schedule 1 to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 <sup>M2</sup>, for “Children's Homes Regulations 2001” substitute “ Children's Homes (England) Regulations 2015 ”.

**Marginal Citations**

**M2** [S.I. 2006/373](#), to which there are amendments not relevant to these Regulations.

**55.** In regulation 4(1)(b) of the Refuges (Children's Homes and Foster Placements) Regulations 1991 <sup>M3</sup>, for “Parts III to V of the Children's Homes Regulations 2001” substitute “ Parts 2 and 4 to 6 of the Children's Homes (England) Regulations 2015 ”.

**Marginal Citations**

**M3** [S.I. 1991/1507](#), as amended by [S.I. 2002/546](#). There are other amendments which are not relevant to these Regulations.

**Revocations**

**56.** The following regulations are revoked—

- (a) the Children's Homes Regulations 2001 <sup>M4</sup>;
- (b) the Children's Homes (Amendment) Regulations 2011 <sup>M5</sup>.

**Marginal Citations**

**M4** [S.I. 2001/3967](#), as amended by: [S.I. 2002/865](#); [2002/2469](#); [2004/664](#); [2004/865](#); [2004/3168](#); [2005/1541](#); [2006/1738](#); [2009/1895](#); [2010/1172](#); [2011/583](#); [2012/979](#); [2012/2404](#); [2013/235](#); [2013/706](#); [2013/1394](#); [2013/3239](#) and [2014/2103](#).

**M5** [S.I. 2011/583](#).

**Review**

**57.**—(1) Before 1st April 2020, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

**Changes to legislation:**

There are currently no known outstanding effects for the The Children's Homes (England) Regulations 2015, PART 7.