

*Department of Health*

# **Children's Homes**

National Minimum Standards

**Children's Homes Regulations**

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# National Minimum Standards and Regulations for Children's Homes

A statement of national minimum standards published by the Secretary of State for Health under section 23(1) of the Care Standards Act 2000.

March 2002

# National Minimum Standards for Children's Homes

## *Note*

This document contains a statement of national minimum standards published by the Secretary of State under section 23(1) of the Care Standards Act 2000. The statement is applicable to children's homes as defined by section 1 of that Act.

The statement is accompanied, for explanatory purposes only, by an introduction to the statement as a whole, and a further introduction to each group of standards.

Each individual standard is numbered and consists of the numbered heading and numbered paragraphs. Each standard is, for explanatory purposes only, preceded by a title and an indication of the intended outcome in relation to that standard.

Department of Health

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## General Introduction

This document contains the regulations and national minimum standards applicable to children's homes from April 2002.

Subject to certain exemptions, a children's home is (Section 1 of the Care Standards Act) an establishment which provides care and accommodation wholly or mainly for children. The definition applies to private, voluntary and local council children's homes, and both mainstream and special boarding schools accommodating or arranging accommodation for any child for over 295 days a year. Some children's homes are specialist establishments for children requiring therapeutic support or for disabled children, others may be secure units. Hospitals of any description are excluded.

## National Care Standards Commission

The Care Standards Act 2000(CSA) reforms the regulatory system for care services in England and Wales. The CSA creates the National Care Standards Commission(NCSC), an independent, non-departmental public body. The NCSC takes over the regulation of social and health care services previously regulated by local councils and health authorities (and the Secretary of State for Health in terms of voluntary children's homes) in April 2002. In addition, the CSA extends the scope of regulation significantly to other services not currently requiring registration, such as domiciliary care agencies, fostering agencies and residential family centres.

## How the regulations and standards work together

The NCSC will assess whether or not a children's home should be registered on the basis of the regulations and national minimum standards. The relationship between the regulations and standards and how they operate in practice is very important. Regulations are mandatory and children's homes providers must comply with them. The Children's Homes Regulations are Statutory Instrument, SI 2001(3967).

When the Commission makes a decision about a breach of regulations (or any decision to do with registration, cancellation, variation or imposition of conditions), it must take the national minimum standards into account. It may also take into account any other factors it considers reasonable or relevant to do so.

The Commission could decide there has been a breach of regulation even though standards have been largely complied with. But it must still decide what action, if any, to take. In practice, if the standards were not being met in a few respects, it is likely that the NCSC would note this in its inspection report and send a written warning to the provider. If the standards were persistently being flouted and/or they were substantially or seriously being disregarded, the NCSC may decide to take enforcement action, either in terms of cancelling registration or in terms of a criminal prosecution.

If a regulation, the breach of which is an offence, is breached, the NCSC may give providers a notice setting out:

- The regulation breached
- How the service is considered deficient
- What must be done to remedy the deficiency
- A time scale (up to 3 months) within which the deficiency must be remedied.

If the deficiency is not remedied, a prosecution may follow.

## Further information

The regulations and national minimum standards are the responsibility of the Secretary of State for Health, but it is the responsibility of the National Care Standards Commission to apply them to the individual establishments and agencies it regulates. The Commission will therefore advise on the regulations' and standards' applications in particular circumstances. Other queries – for example about the policies behind the regulations and standards – can be addressed to the Department of Health at this email address: [dhmail@doh.gsi.gov.uk](mailto:dhmail@doh.gsi.gov.uk).



# National Minimum Standards for Children's Homes



## Introduction to the Standards

The national minimum standards for children's homes are issued by the Secretary of State for Health under Section 23 of the Care Standards Act 2000(CSA). These standards form the basis for judgements made by the NCSC regarding registration and the imposition of conditions for registration, variation of any conditions and enforcement of compliance with the CSA and associated regulations, including proceedings for cancellation of registration or prosecution.

The Commission will therefore consider the degree to which a regulated service complies with the standards when determining whether or not a service should be registered or have its registration cancelled, or whether to take any action for breach of regulations.

The Secretary of State will keep the standards under review, and may publish amended standards as appropriate.

The relevant regulations are the Children's Homes Regulations SI 2001(3967). A number of provisions of the Children Act 1989 are also applicable to children's homes.

The standards are 'minimum' standards, rather than 'best possible' practice. Many homes will more than meet the national minimum standards and will aspire to exceed them in many ways.

Minimum standards do not mean standardisation of provision. The standards are designed to be applicable to the wide variety of different types of establishment that come within the category of children's homes, and to enable rather than prevent individual homes to develop their own particular ethos and approach to care for children with different needs.

Although the standards are primarily issued for use by the NCSC in regulating children's homes, they will also have other important practical uses. They may be used by providers and staff of homes in self-assessment of their own homes, they provide a basis for the induction and training of staff, they can be used by parents, children and young people as a guide to what they should expect a home to provide and to do, and they can provide guidance on what is required when setting up a home. Those involved with children's homes in any way are encouraged to make full use of these standards in these ways.

These standards apply from 1 April 2002, unless otherwise stated in any standard.

## Structure and approach

The national minimum standards for children's homes focus on achievable outcomes for children and young people - that is, the impact on the individual of the facilities and services of the home. The standards are grouped under a series of key topics:

- Planning for Care
- Quality of Care
- Complaints and Protection
- Care and Control
- Environment
- Staffing
- Management and Administration
- Specialist Provision.

Each standard is preceded by a statement of the outcome for service users to be achieved by the children's home. The standards themselves are numbered and the full set of numbered paragraphs must be met in order to achieve compliance with the standards.

Wherever possible, all the regulations that the set of standards are linked to have been listed. However, other regulations and/or primary legislation, in particular the Children Act 1989, may also be relevant. The note should be taken as a general guide and is not an exhaustive legal reference.

The standards are intended to be qualitative, in that they provide a tool for judging the quality of life experienced by services users, but they are also designed to be measurable.

In inspecting against these standards, the NCSC will follow a consistent inspection methodology and reporting format across the country. Regulators will look for evidence that the requirements are being met and that a good quality of life is being enjoyed by those cared for in the home. Practice which exceeds the requirements of the minimum standards will also be identified, recognised and reported through inspections.

It is intended that the standards will be used, both by homes and by the NCSC, to focus on securing positive welfare, health and education outcomes for children and young people, and reducing risks to their welfare and safety. All providers and staff of children's homes should aim to provide the best care possible for the children in their care, and observing the standards is an essential part, but only a part, of the overall responsibility to safeguard and promote the welfare of each individual child accommodated.

## The use of terminology

There is a glossary at the back of the document that gives a brief explanation of some of the terms used.

The standards use the term 'registered person' throughout. This may mean the registered provider, or the registered manager, and is dependent on the specific regulation to which it refers. It also takes account of the fact some homes will not have a separate registered manager, if the proprietor is both provider and manager.



# Planning for Care

## Statement of the Home's Purpose

### OUTCOME

Children and young people are guided through and know what services they can expect from the home, how they will be cared for and who they are likely to share with, and a clear statement of how the home operates is available for parents and others needing this information.

### STANDARD 1

- 1.1 The home has a written Statement of Purpose and a children's guide which accurately describe what the home sets out to do for children it accommodates, and the manner in which care is provided.**
- 1.2 The Statement of Purpose provides all the information required in Schedule 1 of the Children's Homes Regulations 2001 – SI 2001 No. 3967. The Statement of Purpose is in a form that can be understood by placing social workers, staff, and any parent or person with parental responsibility for a child. All those working in the home are aware of the contents of the Statement of Purpose, and a copy is easily accessible.
- 1.3 The children's guide to the home is in a form (or forms) appropriate to the age and understanding of the children in the home. For some disabled children, young children and those for whom English is not the preferred language, alternative methods of communicating the children's guide are sought, eg Makaton, pictures, tape recording, translation into another language. The guide includes a summary of what the home sets out to do for children, and is provided to children on admission to the home. The children's guide contains information on how a child can secure access to an independent advocate and about how to make a complaint.
- 1.4 The home's policies, procedures and any written guidance to staff accurately reflect the Statement of Purpose.
- 1.5 The registered person [in the case of a local authority, the elected members] formally approves the Statement of Purpose of the home, and reviews, updates and modifies it where necessary, at least annually. Any proposed significant changes or modifications are notified to the Commission before implementation.

[Regulations 4 and 5]

## Placement Plans

### OUTCOME

Children have their needs assessed effectively and comprehensively, and written placement plans outline how these needs will be met and are implemented.  
Children in the home are appropriately placed there.

### STANDARD 2

**2.1 The placement plan for each child sets out clearly the assessed needs of the child, the objectives of the placement, how these are to be met by the registered person on a day to day basis, the contribution to be made by the staff of the home, and how the effectiveness of the placement is to be assessed in relation to each major element of the plan. The plan includes:**

- health needs and health promotion
- care needs including safeguarding and promoting welfare
- physical and emotional needs
- education needs and attainment targets
- cultural, religious, language and racial needs and how they will be met
- leisure needs
- contact arrangements with family, friends and significant others.

The placement plan is consistent with any plan for the care of the child prepared by the placing authority (where other plans cover the above, the placement plan may simply refer to the existing documents, without any need for duplication).

- 2.2 Each child's placement plan is monitored by a key worker within the home who ensures that the requirements of the plan are implemented in the day-to-day care of that child. The key worker also provides individual guidance and support to the child and regularly makes time available to the child to enable the child to seek guidance, advice and support on any matter. Where homes do not use key working schemes, this responsibility passes to the registered person or to another member of staff nominated by the registered person.
- 2.3 The child's wishes are sought and taken into account in the selection of their key worker and their wishes taken into account if they request a change of their key worker or other such person as noted in 2.2 above.
- 2.4 Support for disabled children with communication difficulties is provided to help them become active in making decisions about their lives.
- 2.5 The registered person regularly and frequently seeks the views of individual children, their parents (unless this is inappropriate) and the contact person in their placing authority on the content and implementation of the placement plan, and takes these views into account in initiating and making changes to the plan.

- 2.6 Children in the home know the content of their overall care plans and placement plan, according to their level of understanding.

[Regulation 12]

## Reviews

### OUTCOME

Children's needs and development are reviewed regularly in the light of their care and progress at the home.

### STANDARD 3

- 3.1 **The registered person contributes effectively to each child's placement plan review and child in care review, and ensures that the child participates as far as is feasible in their review process. He ensures that the agreed outcome of reviews is reflected as necessary in the day-to-day care of the child as provided for in the placement plan.**
- 3.2 The registered person ensures that children are enabled, as far as is feasible, to be involved in the review process before, during and after the meeting, including agreeing the time and place of such reviews; assists children to contribute their views and wishes fully to the process; and assists in line with the child's wishes in the involvement of an advocate.
- 3.3 The registered person contacts placing authorities to request emergency and statutory reviews when due for any child, if the placing authority has not arranged the review.
- 3.4 The result of all statutory reviews and reviews of placement plans are recorded on the child's file, and individuals responsible for pursuing actions at the home arising from reviews are clearly identified.
- 3.5 The home's staff, including where appropriate the child's key worker, contribute effectively to all reviews on the progress and any difficulties of the child in the placement; attend meetings concerning the child at the request of that child's placing authority; provide relevant information on request to the child's placing authority; and specifically highlight the achievements of children.
- 3.6 Written copies of their reviews are made available to children, and they are assisted to understand them and to store them safely. Where necessary, reviews are translated or communicated in a form best suited to the child.

[Regulation 12]

## Contact

### OUTCOME

Children are able to maintain constructive contact with their families, friends and other people who play a significant role in their lives.

### STANDARD 4

- 4.1 Children are provided with practical support for constructive contact with parents, family and other significant people, and are encouraged to maintain contact.**
- 4.2 Contact arrangements are discussed at the time of the child's admission and subsequently and detailed in the placement plan. Any restrictions on contact for the protection of the child are clear. Contact by visits, telephone, e-mail if available and letters are all facilitated where there are no such restrictions.
- 4.3 Written guidance is provided for staff which clarifies:
- the rights of children, parents and others to maintain contact
  - where it is necessary, to supervise visits in order to safeguard the child or other children in the home
  - when and how to encourage parents, relatives and friends to take part in activities in the home.

[Regulation 15]

## Moving in and Leaving the Home

### OUTCOME

Children are able to move into and leave the home in a planned and sensitive manner.

### STANDARD 5

- 5.1 There are procedures for introducing children to the home, the staff and the children living there which cover planned and, where permitted under the home's Statement of Purpose, emergency admissions.**
- 5.2 The home's expectations of the child and what s/he can expect of staff are clearly explained, prior to admission wherever possible and, where not possible, are explained immediately on admission, and are reiterated as often as is necessary to ensure that the child has understood them.



- 5.3 Children are encouraged to bring favourite and cherished possessions with them when they move into the home. Careful consideration is given to the possibility of pets and to the feasibility of bringing items of high value, if this is requested.
- 5.4 There are procedures for children leaving the home covering both planned and emergency departures.
- 5.5 On moving to or leaving the home children are provided with written and verbal information which is designed to be appealing and understandable, providing facts which they need and wish to have. If leaving the home is also moving to independent or semi-independent living, the home makes the relevant contribution to the assessment of the young person's needs and to the resulting Pathway Plan and/or leaving care plan (see STANDARD 6).
- 5.6 The registered person does not admit children in an emergency unless this is explicitly included as a function of the home in its Statement of Purpose, and the home is at the time of admission able to provide a bedroom and appropriate facilities in the home. A review is initiated as soon as possible, and never more than 72 hours later, after any emergency admission to consider whether the child admitted in an emergency should remain at the home, or whether it is in that child's interests to move to a different placement.
- 5.7 Both the needs of the child concerned, and the likely effects of his/her admission upon the existing group of residents, are taken into account, and recorded, in decisions on admission to the home.
- 5.8 Children are supported to express and cope with their feelings about being away from home.

[Regulation 11, Children Act 1989, Sections 22,61,64]

## Preparation for Leaving Care

### OUTCOME

Children receive care which helps to prepare them for and support them into adulthood.

### STANDARD 6

- 6.1 **The registered person ensures that there is a comprehensive plan for young people preparing to leave care and to move into independent or semi-independent living, which specifies the support and assistance they will need to receive to enable a successful transition into adulthood, and which is implemented in practice. This plan is consistent with the young person's placement plan and any care plan, and is consistent with and also contributes to the Pathway Plan and any transition plan for children with disabilities and special educational needs.**

- 6.2 The registered person, in agreement with the placing authority, implements the leaving care plan and any aspects of the Pathway Plan which are the responsibility of the home. These plans clearly outline the arrangements for:
- education, training and employment
  - securing safe and affordable accommodation
  - support necessary for disabled young people
  - financial assistance to enable the young person to set up and maintain independent accommodation if applicable
  - claiming welfare benefits where this is identified as a need and they qualify
  - general and specialised health education and health care, and other specialist services such as counselling
  - maintaining existing important networks as defined by the young person, which may include the children's home
  - creating new networks of advice and support if this is applicable
  - appropriate leisure pursuits
  - seeking assistance should problems arise.
- 6.3 The registered person contributes to the development of the Pathway Plan for young people who are eligible under the Children Act 1989 (as amended by the Children (Leaving Care) Act 2000) and works collaboratively, where appropriate, with the young person's personal adviser in implementing the Plan.
- 6.4 Such plans are written in agreement with the young person, who is given a copy of the plans.
- 6.5 Leaving care plans take into account the religious, racial, linguistic and cultural background of the young person.
- 6.6 Particular attention is paid in preparing children for leaving care to the continuing needs of the young person to:
- develop and maintain relationships with others
  - understand their sexuality and establish positive, caring social and sexual relationships
  - develop self-esteem
  - prepare for the world of work and or further or higher education
  - develop practical, daily life knowledge and skills.
- 6.7 The daily life of the home provides opportunities for all children in the home, appropriate to the age and needs of each child, for the development of knowledge and skills needed by the child for future independent living.

[Children Act 1989, Sections 22,61,64]

## Support to Individual Children

### OUTCOME

Children receive individual support when they need it.

### STANDARD 7

- 7.1 **All children are given individualised support in line with their needs and wishes, and children identified as having particular needs receive help, guidance and support when needed or requested.**
- 7.2 The registered person ensures, so far as is feasible, the provision of individually appropriate personal, health, social and sex and relationship education for each resident child, including disabled children.
- 7.3 The registered person actively promotes the involvement of all children in the home's social group, counters isolation of individuals by others, nurtures friendships between children, and supports those children who for any reason do not readily 'fit in' to the resident group.
- 7.4 Support is provided for any child for whom English is not their first language (or who use alternative methods of communication), enabling them to communicate their needs, wishes and concerns, and to communicate with staff and other children within the home.
- 7.5 Children are able to approach any member of the home's staff with personal concerns, not only their key worker.
- 7.6 The registered person ensures, as far as possible, that professional services are provided where necessary to help children develop individual identity in relation to their gender, disability, religious, racial, cultural or linguistic background or sexual orientation.
- 7.7 Support and advice is provided to any child in the home who is, or has been, involved in abuse or prostitution, whether as a victim of abuse or in abusing others, and the child is involved in the planning of any such programme of support.
- 7.8 Each child has at least one person, independent of the home and the child's placing authority, whom they may contact directly about personal problems or concerns at the home (such a person may for example be an advocate, children's rights officer, adult family member, personal adviser, befriender, visitor on behalf of an organisation carrying on the home, independent visitor, or mentor).
- 7.9 Children are supported to take controlled risks (appropriate to their age and understanding) that are relevant and necessary to negotiating their place in the community. Significant risks are defined in the placement plan and an appropriate risk assessment is made and recorded.

- 7.10 Children whose placement plan requires specialist external services for them (eg for recreation, health or education) receive those services in practice. Staff co-operate in implementing any programmes associated with specialist services such as speech and language therapy or physiotherapy programmes.
- 7.11 Subject to the agreement of the placing authority, relevant personal, educational and health information concerning each child is passed on to that child's subsequent placement.
- 7.12 Any specific therapeutic technique is only used with any child at the home if specified in the child's placement plan and specifically approved by the child's placing authority and, where the placing authority does not have parental responsibility, by the child's parent (or parent if the child is not placed by a local authority or voluntary organisation), and if the safe and effective use of the technique is known to be supported by evidence. It is carried out only by, on the directions of, or under the supervision of a member of staff or other practitioner holding a current recognised qualification in the therapy concerned, whose qualification the home has verified as valid and appropriate directly with the awarding body or relevant register. Any member of staff using such a technique is subject to supervision in using the technique by a person outside the home and not responsible for the home, who is qualified and experienced in the therapy concerned.
- 7.13 Appropriate support is provided for children who are refugees and for asylum seeking children, taking into account the particular circumstances of each child's flight from his or her country of origin and the advice of specialist agencies where necessary.

[Regulations 11, 20, Children Act 1989, Sections 22,61,64]

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## Quality of Care

### Consultation

#### OUTCOME

Children are encouraged and supported to make decisions about their lives and to influence the way the home is run. No child is assumed to be unable to communicate their views.

#### STANDARD 8

- 8.1 Children's opinions, and those of their families or others significant to the child, are sought over key decisions which are likely to affect their daily life and their future. There are systems in place for doing this, such as written agreements, private interviews, key worker sessions, children's or house meetings. The systems reflect children's differing communication needs.**
- 8.2 Staff take into account the religious, racial, cultural and linguistic backgrounds of children and their families and any disabilities that they may have.
- 8.3 Significant views, discussions and expressed opinions are recorded promptly.
- 8.4 The opinions and views of children on all matters affecting them, including day to day matters, are ascertained on a regular and frequent basis and not taken for granted.
- 8.5 Children, their families and significant others receive feedback following consultation.
- 8.6 The opinions and views of the parents of children at the home are ascertained on a regular and frequent basis unless inappropriate, including views on the following:
  - children's care at the home and the operation of the home
  - the adequacy of staff looking after children at any given time
  - the adequacy of space and furnishings in children's bedrooms
  - the privacy of washing facilities, facilities for contacting significant people in the children's lives and sense of personal space.
- 8.7 Where consultation with and involvement of a child's family is inappropriate, (where it is not in the interests of the child ) staff explain to children why this is so, and consult with significant others or an independent visitor, as appropriate.

- 8.8 Suitable means are provided, frequently, for any child with communication and/or learning difficulties to make their wishes and feelings known regarding their care and treatment in the home. This includes availability of different adults who understand how the child communicates.
- 8.9 The way the home functions enhances every child's independence and opportunity to make everyday choices.
- 8.10 Staff regularly and frequently seek the views of the relevant contact officers in children's placing authorities on the care of the children concerned, and the overall operation of the home.
- 8.11 The views of children, parents and placing authorities are taken into account in the development of and any necessary change in the operation of the home.

[Regulations 11, 15, 34, Children Act 1989, Sections 22,61,64]

## Privacy and Confidentiality

### OUTCOME

Children's privacy is respected and information is confidentially handled.

### STANDARD 9

- 9.1 **The home and staff respect a child's wish for privacy and confidentiality as is consistent with good parenting and the need to protect the child.**
- 9.2 The registered person provides procedural guidelines on privacy and confidentiality covering:
  - access to case records by staff and others
  - passing on information with child protection implications, and disclosure of illegal activities
  - practical details about the way children's rooms are entered
  - entry/interruptions without permission in emergencies or where children are considered at risk
  - showering and bathing arrangements and use of toilets
  - personal matters such as menstruation and washing clothes
  - intimate personal care for disabled children, including administering medication and invasive clinical procedures where applicable.
- 9.3 Staff know how to deal with and share information which they are given in confidence for child protection purposes.

- 9.4 Any restriction on communication by the child must have been agreed by the child's placing authority. If the child was not placed by a local authority or voluntary organisation, any restrictions on communication by the child must have been agreed with the child's parent or a person with parental responsibility for the child.
- 9.5 The siting of the telephone(s) and arrangements for payment are convenient, private, and practical and accessible to disabled children if required. Arrangements regarding privacy and accessibility that differ from the above are agreed in placement plans and understood by the children.
- 9.6 Staff are sensitive to gender issues especially when dealing with children of the opposite sex.
- 9.7 Where the home accommodates children requiring staff help with intimate care or bodily functions or with lifting and handling, all staff involved have received appropriate training and are provided with clear and appropriate written guidelines on provision of such assistance, which are followed in practice. These guidelines cover boundaries to be observed (including provision of such care to children of the opposite sex), and the requirements for the child concerned, where practicable, to be enabled to express choices and to seek the child's consent regarding provision of their intimate care.
- 9.8 The registered person provides guidance, for staff and children, on when it may be necessary to search a child's possessions. They are searched only in accordance with the guidance, and only on clear grounds, which are explained to the child concerned, and where failure to carry out the search would put at risk the welfare of the child or others. All such searches are documented showing the time and the date and the reason for the search, noting what if anything was found, who carried out the search and who was present at the time. Such records should be signed by all those present.

[Regulations 15: Children Act 1989, Sections 22/61/64]

## Provision and Preparation of Meals

### OUTCOME

Children enjoy healthy, nutritious meals that meet their dietary needs. They have opportunities to plan, shop for and prepare meals.

### STANDARD 10

- 10.1 Children are provided with adequate quantities of suitably prepared food and drink having regard to their needs and wishes, and have the opportunity to shop for and prepare their own meals.**
- 10.2 Meals are set up to be well-managed, orderly, social occasions.

- 10.3 Children are provided with food in adequate quantities, properly prepared, wholesome and nutritious, with regard to their cultural, ethnic and religious backgrounds and dietary needs and choices (including the choice of vegetarian meals for children who wish it).
- 10.4 The record of menus (as served) demonstrates provision of a suitable and varied diet.
- 10.5 Medical advice is sought if children consistently refuse to eat and for those who over eat or have other eating disorders.
- 10.6 Children are not routinely excluded from communal meals.
- 10.7 Dining rooms and their furnishings are suitable for the numbers and needs of children and staff dining in them.
- 10.8 Children are able, with assistance where necessary, to prepare snacks and drinks for themselves at reasonable times.
- 10.9 Staff and children involved in preparing food for others have received appropriate training and/or are appropriately supervised in safe food handling and hygiene.
- 10.10 Meals (with drinks) are provided at reasonable set mealtimes, and food is either provided or readily available to children when they miss a set mealtime.

[Regulation13: ]

## Personal appearance, clothing, requisites and pocket money

### OUTCOME

Children are encouraged and enabled to choose their own clothes and personal requisites and have these needs fully met.

### STANDARD 11

- 11.1 Children's clothing and personal requisite needs are fully met.**
- 11.2 Children are able to exercise choice in the clothes and personal requisites that they buy, and to buy these through normal shopping arrangements. Younger children are accompanied by staff and older children are given the choice of shopping alone or with the guidance of staff, subject to a risk assessment where shopping alone involves significant risks.
- 11.3 Cultural, racial, ethnic or religious expectations regarding the choice of clothes or personal requisites are supported and positively promoted.
- 11.4 Children are able to keep their clothing and personal requisites and toiletries for their own exclusive use, subject to risk assessments on particular items (eg aerosols and razors).



- 11.5 Young women have their own supply of sanitary protection and do not have to request it from a central stock.
- 11.6 Staff provide, where appropriate, advice to children on the use of toiletries, cosmetics and sanitary protection.
- 11.7 Suitable and acceptable clothing and personal requisites are bought for any child who does not wish to, or is unable to, purchase their own.
- 11.8 Children's money is held in safe keeping for them and children sign the records. They are encouraged to manage their own finances through help with budgeting and banking, and are given as much freedom as possible in making decisions about spending their own pocket money or earnings.
- 11.9 There is a policy, implemented in practice and known to the children, on personal allowances. The policy makes clear the purpose of different allowances, the arrangements for children receiving them, reasons why they may be withheld, the monitoring of their use and how requests for special allowances should be made and decided upon.

[Regulation: 14]

## Good Health and Well-being

### OUTCOME

Children live in a healthy environment and their health needs are identified and services are provided to meet them, and their good health is promoted.

### STANDARD 12

- 12.1 **The physical, emotional and health needs of each child are identified and appropriate action is taken to secure the medical, dental and other health services needed to meet them. Children are provided with guidance, advice and support on health and personal care issues appropriate to the needs and wishes of each child.**
- 12.2 Each child has a clear written health plan (within their placement plan) covering:
  - medical history
  - any specific medical or other health interventions which may be required
  - any necessary preventive measures
  - allergies or known adverse reactions to medication
  - dental health needs
  - any hearing needs
  - any optical needs
  - records of developmental checks

- specific treatment therapies or remedial programmes needed in relation to physical, emotional or mental health
  - health monitoring required of staff
  - the involvement of a child's parents or significant others in health issues.
- 12.3 A written record is kept of all significant illnesses of, accidents by or injuries to children during their placement at the home.
- 12.4 Each child is provided with guidance, advice and support, appropriate to the the child's age, needs, culture and wishes, in relation to health and social issues including alcohol and illegal substance abuse, smoking, solvents, sex and relationship education, HIV infection, hepatitis and sexually transmitted diseases, and protecting oneself from prejudice, bullying and abuse, both within and outside the home.
- 12.5 There is a policy and written guidance, implemented in practice, on promoting the health of children in the home including:
- immunisation and screening
  - nutrition and diet
  - exercise and rest
  - personal hygiene
  - sexual health
  - the effects of alcohol, smoking and other substances
  - HIV and AIDS and other blood borne diseases.
- 12.6 Children are actively discouraged from smoking, alcohol and illegal substance or solvent abuse and under-age sexual activity. Children are given opportunities to discuss these issues openly and honestly with staff and their peers.
- 12.7 Children, subject to their age and understanding, can choose whether or not they are accompanied by a member of staff when being seen by a doctor, nurse or dentist, and, as far as is practicable, to see a doctor of either gender if they wish.
- 12.8 Children with particular health needs or a disability including physical or sensory impairment or learning disabilities are provided with appropriate support and help. The registered person emphasises to staff the need to protect children's dignity at all times. The registered person ensures that any treatment which is prescribed or included in the child's placement plan or (where applicable) care plan is implemented (within the capabilities of staff), taking the child's wishes into account.
- 12.9 Issues of personal hygiene are dealt with sensitively.
- 12.10 The needs of refugee children, asylum seekers and children from different racial and cultural backgrounds are understood by staff and specialist advice is sought when necessary.

[Regulation: 20]

## Treatment and Administration of Medicines Within the Home

### OUTCOME

Children's health needs are met and their welfare is safeguarded by the home's policies and procedures for administering medicines and providing treatment.

### STANDARD 13

- 13.1 First aid, minor illness treatment and administration of medication given at the home (other than by a registered nurse, doctor or dentist) are given only by competent designated staff (eg by or under the supervision of a qualified first aider or, where the home has one, a nurse).**
- 13.2 A written record is kept by the home of all medication, treatment and first aid given to children, giving name, date, time, medication/treatment (including dosage), reason for administration (if not prescribed), which is signed by the responsible member of staff and is regularly monitored by an appropriate designated senior member of staff. A record is also kept of when and why prescribed medicines are not administered or are refused (and any frequent refusal is reported to the prescribing practitioner), when medication ceases and how and when medicines are disposed of.
- 13.3 When staff carry out skilled health tasks for children (eg catheter care, administration of oxygen, administration of rectal diazepam, supporting physiotherapy programmes, management of prostheses), these are carried out only on the written authorisation of the prescribing doctor or responsible nurse in relation to the individual child concerned, and by staff authorised by the prescribing doctor or a nurse responsible for the tasks concerned. Records are kept of all such tasks carried out.
- 13.4 The registered person has obtained, and retains on file, prior written permission from a person with parental responsibility for each child, for the administration of first aid and appropriate non-prescription medication.
- 13.5 Staff are trained in the use of first aid and first aid boxes are provided within the home.
- 13.6 If a person is employed to work as a nurse at the home, that staff member holds a current registration as a nurse, and the registered person has confirmed on appointment that they are registered with the United Kingdom Central Council [or when in operation the Nursing and Midwifery Council]. The title of 'nurse' is not used for staff not so registered. If a person is employed as a nurse, that nurse should have access to a named senior nurse or doctor for professional guidance and consultation.
- 13.7 Children are given medication as prescribed for them, any refusal to take medication is recorded and, if frequent, reported to the prescribing practitioner.

- 13.8 Prescribed medication is only given to the child for whom it was prescribed, in accordance with the prescription or instructions from the pharmacy, and is not kept for general use for other people (children or staff) or added to 'stock' for such use.
- 13.9 Children keeping and administering their own medication are assessed by staff as sufficiently responsible to do so, and are able to lock their medication somewhere not readily accessible to other children.
- 13.10 Prescribed and 'household' medication, other than that kept by individual children keeping their own medication, is kept securely (eg in a locked cabinet whose key is not accessible to children), and there is a policy with written guidance, implemented in practice, for storing, disposing and administering medication.
- 13.11 The registered person has secured, and follows, qualified medical or nursing advice in a written protocol on the provision of non-prescription 'household' medicines to children.
- [Regulations 20, 21]

## Education

### OUTCOME

The education of children is actively promoted as valuable in itself and as part of their preparation for adulthood.

### STANDARD 14

- 14.1 There is an education policy that shows how the home intends to promote and support the educational attainment of children throughout the time they live there. This includes supporting the child by facilitating their prompt arrival at school with the necessary school equipment.**
- 14.2 Each child's file contains a copy of their Personal Education Plan (PEP)<sup>1</sup> setting out a record of their educational achievements, needs and aspirations. Other relevant documents are kept on file including any record of educational history and any statement of special educational needs. Staff are familiar with the educational histories and needs of the children in the home.
- 14.3 Each child is given full access to educational facilities, at both school level and in further or higher education as appropriate, wherever feasible and in line with the child's age, aptitude, needs, interests and potential.
- 14.4 The Personal Education Plan or placement plan explicitly address:
- education and whether the child's needs will be met by attending a particular educational establishment
  - any special educational needs and how they will be met
  - the level of monitoring of a child's school attendance

<sup>1</sup> DfES/Department of Health Guidance on the Education of Young People in Public Care [May 2000]

- parental/social worker involvement in the education of the child
  - dates of national examinations such as SATs, GCSE, AS, and A levels, and any other examinations the child may intend taking
  - staff with responsibility for liaising with schools, careers service, job centre, employment agencies and local employers as appropriate
  - arrangements for travelling to and from school.
- 14.5 Children are provided with facilities that are conducive to study and to do homework and are actively encouraged and supported in doing so – this includes provision of books, computers and library membership. Children are given help with homework if they wish. Children are not denied participation in extra-curricular activities because they are in care.
- 14.6 In the absence of a child's parents, staff of the home attend parents' meetings and other school events which are normally attended by the parents of other children at the school.
- 14.7 For children of compulsory school age who are not in school (or a Pupil Referral Unit), the registered person has in place an educational programme during normal school hours; and works with the placing authority to secure appropriate full-time educational provision.

[Regulation 18 ]

## Leisure and Activities

### OUTCOME

Children are able to pursue their particular interests, develop confidence in their skills and are supported and encouraged by staff to engage in leisure activities.

### STANDARD 15

- 15.1 **There are ample opportunities for children to participate in a range of appropriate leisure activities, and the registered person allocates sufficient financial resources to fund leisure activities and trips.**
- 15.2 Children are encouraged and given opportunities to take part in activities and leisure interests which take account of their race, culture, language, religion, interests, abilities and disabilities. Birthdays, name days, cultural and religious festivals are celebrated where appropriate, and children participate with staff in planning these events together. Support is available to enable disabled children to enjoy a range of activities within and outside the home.
- 15.3 Leisure interests and areas in which a child has talents or abilities are considered within the child's placement plan, and where applicable at care planning meetings and reviews. Consideration is given as to how they will be encouraged and financially supported.

- 15.4 There is a proper balance between free and controlled time in the structure of the day (taking into account the school day for those homes that are schools). Activities reflect the choices of the children, and children are allowed to do nothing in particular at times.
- 15.5 Supervised and unsupervised activities take into account the safety of children at all times and where substantial or unusual hazards are involved, a recorded risk assessment is made. Any high risk activity provided or arranged for children is supervised by persons holding the relevant qualification to supervise children's involvement in the activity concerned (such as the qualification for instructing or supervising children awarded by the recognised national body for the activity concerned).
- 15.6 Children are encouraged to meet staff regularly, individually or in groups, to discuss the general running of the home, to plan activities and to make their views known. Children's views inform the choice of any individual and group holidays, trips and outings. Staff engage with children in talking about and doing things, and sharing their experiences.
- 15.7 Children have access to, and a choice in the selection of, newspapers, books and magazines subject to their suitability. Children have access to suitable toys, music, books and games.
- 15.8 Consideration is given to individual circumstances of children in watching videos and television, and in using computer games and accessing the internet. Videos, games consoles and computer games may be watched/played only by children of the intended age range. No home shall have any videos or games certified as suitable only for over 18s. Systems and policies are in place to safeguard children when computer networking or on the internet and also to prevent the home from becoming dominated by use of the television and computers.
- 15.9 Trips out to events for enjoyment or interest are encouraged and/or organised by staff.
- 15.10 Children who wish to do so are helped to participate in the educational and leisure activities and facilities available to children and young people in the home's locality.
- 15.11 Transport used by the home is not marked in such a way as to distinguish it from an ordinary car or bus, unless it has been received by the home as a charitable donation in which case it may carry the name of the donating charity. This does not prevent schools which are children's homes from having the name of the school on the car or bus. The registered person checks that all vehicles used for transporting children, including cars belonging to members of staff, are taxed, MOTed (where appropriate), insured for the purpose and well-maintained. Homes accommodating disabled children must have vehicles appropriately adapted.
- 15.12 Children are encouraged and enabled to make and sustain friendships with children of their own age outside the home. This may involve friends visiting the home, and reciprocal arrangements to visit friends' homes.

[Regulation 18]

# 3

## Complaints and Protection

### Complaints and Representation

#### OUTCOME

Any complaint will be addressed without delay and the complainant is kept informed of progress.

#### STANDARD 16

- 16.1 Children know how and feel able to complain if they are unhappy with any aspect of living in the home. Any complaint is addressed seriously and without delay, and a complaint will be fully responded to within a maximum of 28 days, and children are kept informed of the progress.**
- 16.2 Children, and where appropriate their families, significant others and independent visitors, are provided with information on how to complain, including how they can secure access to an advocate. Where necessary, this access is to an advocate who is suitably skilled (eg in signing or in speaking the complainant's preferred language)
- 16.3 The home's complaints procedure:
- enables children, staff, family members and others involved with children of the home outside the home, to make both minor and major complaints
  - precludes any person who is the subject of a formal complaint from taking any responsibility for the consideration of or response to that complaint
  - expressly forbids any reprisals against children or others making a complaint
  - includes provision for both informal attempts, such as negotiation, arbitration and mediation, at resolving the complaint and for the child and any complainant to have the matter pursued further if not satisfied with the proposed informal resolution
  - provides appropriately for the handling of complaints against the manager of the home
  - requires a written record to be made and kept of the person making the complaint, date of the complaint, nature of the complaint, action taken and outcome of the complaint
  - does not restrict the issues they may complain about
  - provides for relevant issues to be referred promptly to other procedures, including the local social services authority where child protection issues are involved

- provides appropriately for the handling of any complaint made against the registered person of the home
  - is accessible to disabled children in a suitable form
  - enables people other than the child to make complaints on behalf of the child, provided the child consents to this
  - provides for complainants to be kept informed about the progress of their complaints and to be provided with details of the outcome, in an accessible format, at the earliest opportunity.
- 16.4 There is a procedure for handling external complaints, eg those from local shopkeepers, neighbours, the police, etc.
- 16.5 The registered person has provided the home with a written policy and procedural guidelines on considering and responding to representations and complaints in accordance with legal requirements and relevant government guidance. The policy clearly includes the right and the means for all children placed by an authority to access the complaints procedure of their placing authority, the right of children, parents, staff, others working in the home, and placing authorities to make complaints to the National Care Standards Commission, and details of how they may contact the Commission. The policy is provided in suitable summary or format(s) to children at the home, their parents and placing authorities, and to all staff and others working at the home (any of whom are provided with a copy of the full procedure on request).
- 16.6 All staff receive training in the complaints procedures covering the following areas:
- what constitutes a complaint
  - what the procedure is for dealing with an informal complaint in the home and how this is recorded
  - to whom a complaint is made outside the home
  - the procedure to be followed should a complaint not be resolved promptly by informal means, including who should be notified and the keeping of records
  - how the child can be assisted in making a complaint, including situations where the child has a communication impairment.
- 16.7 The registered person of the home regularly reviews the records of complaints by children or concerning the welfare of children, to check satisfactory operation of the complaints procedure, and to identify both patterns of complaint and action taken on individual complaints. The registered person takes any appropriate action from such a review in relation to the home's policies and practices, as well as taking any necessary further follow up action in relation to individual cases.

[Regulations 24 and 27]



## Child Protection Procedures and Training

### OUTCOME

The welfare of children is promoted, children are protected from abuse, and an appropriate response is made to any allegation or suspicion of abuse.

### STANDARD 17

- 17.1 There are systems in place to promote the safety and welfare of children and to ensure that children are protected from abuse, which are known and understood by all staff (including junior, ancillary, volunteer and agency staff).**
- 17.2 A copy of the local Area Child Protection Committee (ACPC) procedures is kept in the home. The registered person of the home ensures that staff have read these, understand and are knowledgeable about them.
- 17.3 There are clear procedures in line with the Regulations 2001(3967) which are known, understood and followed by all staff, for responding to allegations or suspicions of abuse, either by staff or by other children in the home, or by others. They include:
- the requirement that staff or others working at the home who receive an allegation of abuse, or who suspect abuse, should avoid asking leading questions or giving inappropriate guarantees of confidentiality as the information may need to be passed on
  - the requirement to report to the police any evidence of children becoming involved in prostitution, or of unauthorised persons picking children up, contacting children in the home, or observed trying to make contact with children outside the home
  - instructions for staff on action to be taken if an allegation or suspicion of abuse becomes known to them involving the registered person or the person at the time in day to day charge of the home.
- 17.4 The child protection procedures are consistent with the local policies and procedures agreed by the Area Child Protection Committee (ACPC) relevant to the geographical area where the home is situated. The child protection procedures have been submitted for consideration and comment to the local ACPC, and any comments taken into account.
- 17.5 The registered person has liaised with the Local Social Services Department's Child Protection Co-ordinator (or other senior officer responsible for child protection matters in that department) to seek advice about local procedures and practice, and has discussed how the practices in the home relate to these regarding keeping children safe, responding to allegations or suspicions of abuse, methods of control and risk taking. Any conflicts between locally agreed procedures and those of other placing authorities have also been discussed and resolved as far as possible.

- 17.6 There is written guidance for staff which makes clear the ways in which the registered person of the home will ensure that members of staff subject to allegations against them will have access to information and support whilst an investigation ensues.
- 17.7 Procedural guidance for staff clearly demonstrates the systems required in order to protect children and minimise the risk of abuse whilst the child is living in the home. This includes guidance on:
- making a full assessment of children's histories and any experience of abuse
  - observing contacts between children
  - supervision of children
  - supervision and support of staff
  - recognition of possible involvement of children in prostitution
  - confidentiality
  - physical contact between staff and children
  - one to one time alone by staff with children
  - intimate care and invasive procedures
  - administering medication.
- 17.8 The registered person ensures the provision of training for all staff, including ancillary staff, agency staff and volunteers, in the prevention of abuse, recognition of abuse (including its recognition in non-verbal children), dealing with disclosures or suspicions of abuse, and the home's child protection procedures. This training is included in induction programmes for new staff, including temporary or agency staff, and is ongoing for the staff group in keeping with the aims and objectives of the home.
- 17.9 The registered person and staff have routine links with other agencies concerned with child protection eg the placing authority, schools, hospitals, general practitioners, etc., and do not work in isolation from them.
- 17.10 The registered person follows any local interagency protocols on prevention and investigation of child prostitution.

[Regulation 16 ]

## Countering Bullying

### OUTCOME

Children are protected from bullying.

### STANDARD 18

- 18.1 The registered person and the staff create an atmosphere where bullying is known to be unacceptable. There is a policy on countering bullying, which is known to children and staff and is effective in practice.**

- 18.2 The registered person has a policy on countering bullying which includes:
- a definition of bullying, which is reviewed frequently with staff and children, and which includes bullying by staff and bullying that may occur elsewhere than in the home and which covers different types of bullying, eg on the grounds of race, gender, disability or sexual orientation, and which includes name-calling
  - measures to prevent bullying and to respond to observed or reported bullying
  - training for staff in awareness of, and effective strategies to counter, bullying.
- 18.3 This policy is available and known to both staff and children, including junior, agency and recently appointed staff. The policy is implemented, and monitored for effectiveness in practice. Steps are taken to ensure that the policy is revised where necessary to ensure that staff reduce and respond to bullying effectively.
- 18.4 Children who are bullied are supported, and children who may bully others are given suitable guidance.
- 18.5 The registered person regularly carries out recorded risk assessments of the times, places and circumstances in which the risk of bullying (including bullying amounting to abuse by other children) is greatest, and takes action where feasible to reduce or counteract the risk of bullying.

[Regulation16]

## Absence of a Child Without Authority

### OUTCOME

Children who are absent without authority are protected in accordance with written guidance and responded to positively on return.

### STANDARD 19

- 19.1 Children who are absent from the home without consent are protected in line with the home's written policy and guidance.**
- 19.2 The written procedures of the home identifying action to be taken when a child is absent without authority cover the following areas:
- searching for any child missing or believed to have run away from the home
  - reporting missing children to the police, to the child's placing authority and to others (including parents), subject to consultation with the placing authority (this will include risk assessment of the likely danger to the child)
  - action to obtain information about the whereabouts of a missing child and to try to ensure the safety and welfare of that child
  - the collection and return of missing children when found
  - action to be taken on the child's return

- allowing for any individual arrangements based on the needs of the child as agreed in his/her placement plan.
- 19.3 The procedure specifically addresses action to be taken in the event of the absence of a child looked after in taking into account different legal statuses (eg voluntarily accommodated or as a care order).
  - 19.4 On return to the home, the child is seen if possible by his/her social worker or a person independent of the home to consider the reasons for the absence without authority. Where this is not possible, the reasons are recorded and agreed with the placing authority. Any reasons given for being absent are considered in relation to how the child is cared for and the child's placement plan and (where applicable) the placing authority care plan.
  - 19.5 Any report from a child that s/he went missing because of abuse at the home is referred immediately to the local social services department for consideration under Area Child Protection procedures, and appropriate action is taken to protect the child concerned and other children as necessary.
  - 19.6 Written records are made of the circumstances of all incidents of absconding, all action taken by staff, the circumstances of the child's return, any reasons given by the child for absconding, and any action taken in the light of those reasons.
  - 19.7 All staff are aware of, and do not exceed, the measures they can take to prevent a child leaving without permission under current legislation and government guidance.
  - 19.8 When a child is considered likely to go missing, the registered person has agreed procedures to monitor the child and to specify how the child may be prevented from leaving the home. Procedures may include physical modification to the premises, behavioural and/or therapeutic approaches to change the child's behaviour, or agreed physical restraint. Any such measures must be used as agreed in the child's placement plan and (where applicable) care plan.
  - 19.9 The registered person maintains regular contact with schools attended by children in order to monitor attendance. Where children are thought to be especially vulnerable or prone to frequent absences during the school day, this involves daily contact with the school. Where there is continued absence from school, or a worrying pattern of absence, the registered person initiates both a review of the placement plan and (where applicable) care plan of the child, and of the relevant current care practice of the home.

[Regulations 16, 30]

## Notification of Significant Events

### OUTCOME

All significant events relating to the protection of children accommodated in the home are notified by the registered person of the home to the appropriate authorities.

### STANDARD 20

- 20.1 The registered person has a system in place to notify within 24 hours the persons and appropriate authorities of the occurrence of significant events in accordance with Regulation 30.**
- 20.2 The registered person ensures the notification to the parents of the child concerned of any other significant incident affecting their child's welfare, unless such a notification is either not reasonably practicable, or would be likely to place the child's welfare at risk.
- 20.3 A written record is kept which includes details of the action taken, and the outcome of any action or investigation, following notifiable events.
- 20.4 The registered person has a system for notification to the placing authorities of any serious concerns about the emotional or mental health of a child such that a mental health assessment would be requested under the Mental Health Act 1983.
- 20.5 The registered person of the home requests a meeting involving the placing authority and others involved in the child's protection or care plan to discuss proposed action following any incident notified under Regulation 30 or any initial steps taken to deal with any emergency. Where a meeting is not held, this is with the agreement of the placing authority.

[Regulation 30]



# 4

## Care and Control

### Relationship with Children

#### OUTCOME

Children enjoy sound relationships with staff based on honesty and mutual respect.

#### STANDARD 21

- 21.1 Relationships between staff and children are based on mutual respect and understanding and clear professional and personal boundaries which are effective for both the individuals and the group.**
- 21.2 Staff employed at the home are able to set and maintain safe, consistent and understandable boundaries for the children in relation to acceptable behaviour.
- 21.3 Expectations of behaviour for both staff and children are clearly understood and negotiated by those living and working at the home, including exercising appropriate control over children in the interests of their own welfare and the protection of others.
- 21.4 In day to day decision making, staff demonstrate an appropriate balance between:
- each child's wishes and preferences
  - the needs of individual children
  - the needs of the group of children resident at the time
  - the protection of others (including the public) from harm.
- 21.5 All staff receive training in positive care and control of children, and communication between staff and children is generally positive with disagreements between staff and children dealt with reasonably.
- 21.6 Children in the home are looked after without favouritism or antipathy towards any individual or group within the home.
- 21.7 The deployment of staff in the home facilitates continuity of staff providing care to individual children. Where children require personal care, their choices of which staff provide that care are maximised.

[Regulation 17]

## Behaviour Management

### OUTCOME

Children assisted to develop socially acceptable behaviour through encouragement of acceptable behaviour and constructive staff response to inappropriate behaviour.

### STANDARD 22

- 22.1 Staff respond positively to acceptable behaviour, and where the behaviour of children is regarded as unacceptable by staff, it is responded to by constructive, acceptable and known disciplinary measures approved by the registered person.**
- 22.2 The registered person has a clear written policy, procedures and guidance for staff based on a code of conduct setting out the control, disciplinary and restraint measures permitted and emphasising the need to reinforce positive messages to children for the achievement of acceptable behaviour.
- 22.3 Measures of control and disciplinary measures are based on establishing positive relationships with children which are designed to help the child. Such measures are fair and consistently applied. They also encourage reparation and restitution and reduce the likelihood of negative behaviour becoming the focus of attention and subsequent disruption to the placement.
- 22.4 The consequences of unacceptable behaviour are clear to staff and children and any measures applied are relevant to the incident, reasonable and carried out as contemporaneously as possible.
- 22.5 Any measures taken to respond to unacceptable behaviour are appropriate to the age, understanding and individual needs of the child, for example taking into account that unacceptable or challenging behaviour may be the result of illness, bullying, certain disabilities such as autism, or communication difficulties.
- 22.6 Sanctions and physical restraint are not excessive or unreasonable.
- 22.7 Physical restraint is only used to prevent likely injury to the child concerned or to others, or likely serious damage to property. Restraint is not used as a punishment, as a means to enforce compliance with instructions, or in response to challenging behaviour which does not give rise to reasonable expectation of injury to someone or serious damage to property. (For schools which are children's homes, this does not prevent the use of restraint in circumstances permitted by s550A of the Education Act 1996.)



- 22.8 The registered person's policy on the use and techniques of physical restraint and other forms of physical intervention, and the circumstances in which they may be used, is consistent with any relevant government guidance on approved methods of restraint and physical intervention. All staff of the home are aware of, trained in, and follow in practice the registered person's policy. Training covers reducing or avoiding the need to use physical restraint. All staff have signed a copy of the policy and evidence of this is retained on their personnel file.
- 22.9 A record of the use of restraint on a child by an adult is kept in a separate dedicated bound and numbered book, and includes the name of the child, the date, time and location, details of the behaviour requiring use of restraint, the nature of the restraint used, the duration of the restraint, the name of the staff member(s) using restraint, the name(s) of any other staff, children or other people present, the effectiveness and any consequences of the restraint, any injuries caused to or reported by the child or any other person, and the signature of a person authorised by the registered person to make the record.
- 22.10 A similar and separate record of any sanctions will also be kept in the same way.
- 22.11 The registered person will regularly monitor the record books to monitor compliance with the home's policy, procedure and guidance and to identify any patterns in incidents leading to disciplinary or restraint action becoming necessary. The monitoring will also address the implications for the care of individual children and current care practice. The registered person records any comment on the appropriateness of individual uses of sanctions or use of restraint, together with any subsequent action taken, and signs against each entry to confirm the monitoring has taken place.
- 22.12 Measures of control, discipline and restraint used by the home are made clear to the placing authority, child, parent/s or carers before or, in an emergency placement, at the time the child is to move into the home.
- 22.13 Children are encouraged to develop a proper awareness of their rights and responsibilities. Staff and children alike are clear that each individual has rights and responsibilities in relation to those who live in the home, those who work there and people in the community. Where there has been physical intervention, the child will have the right to be examined by a registered nurse or medical practitioner within 24 hours.
- 22.14 All children are given an opportunity to discuss incidents and express their views either individually or in a regular forum or house meeting where unsafe behaviour can be discussed by children and adults. When disciplinary measures or restraint are used, children are encouraged to write or have their views recorded and sign their names against them if possible in the records kept by the home.
- 22.15 Unless the registered person can demonstrate that this is not appropriate, the home has procedures and guidance on police involvement in the home, which have been agreed with the local police and which staff are knowledgeable and clear about.

- 22.16 Staff meetings address issues of control and agree practicable and acceptable means of responding to behaviour and control problems of both the current group of children and of individual children in the light of their histories, any current problems and placement plans.

[Regulation 17]

# 5

## Environment

### Location, Design and Size of the Home

#### OUTCOME

Children live in well designed and pleasant homes providing sufficient space to meet their needs.

#### STANDARD 23

- 23.1 The home's location, design and size are in keeping with its purpose and function. It serves the needs of the children it accommodates, and provides an environment that is supportive to each child's development.**
- 23.2 The home is situated in a location which takes into account transport, education, health, leisure and employment facilities.
- 23.3 Where the home accommodates disabled children, suitable aids and adaptations and any special furniture or equipment required are provided to enable them to live as normal a life as possible. Particular attention is paid to the following:
- accommodation ensures that disabled children have necessary access to all parts of the building to which other children have access
  - handrails and other mobility aids are appropriately sited
  - lifts and stairs are adapted and safe for all users
  - if children have visual impairments, colours and lighting are chosen to offset the loss of vision
  - if children have hearing impairments, an induction loop system, necessary telephone and television adaptations and noise insulation are provided
  - safe storage of equipment and wheelchairs, with proper arrangements for recharging wheelchair batteries.
- 23.4 Where a home accommodates disabled children an occupational therapist has assessed the premises and their recommendations have been adhered to.

- 23.5 Physical restrictions on normal movement within the home (eg stairgates or high handles on doors) are used only in relation to a child where the restriction has been agreed within their placement plan (and care plan if appropriate) and are used only where necessary satisfactorily to safeguard and promote that child's welfare. Such restrictions for one child do not impose similar restrictions on other children.
- 23.6 There are no outstanding requirements or recommendations (other than any being implemented within the timescale recommended by the relevant authority) relating to the home from any of the following bodies:
- planning authority (district or unitary, borough or metropolitan authority)
  - building control authority
  - fire service
  - environmental health authority
  - DfES or Ofsted.
- 23.7 The design, layout and use of the accommodation are such that children's individual care and privacy are not compromised.
- 23.8 The home's premises are not used for functions unrelated to the home which compromise or have an adverse effect on the care of children in the home.
- 23.9 Effective precautions, acceptable to children and staff, are taken to ensure the security of the home from access by unauthorised persons, without compromising or having an adverse effect on the care of children in the home.
- 23.10 The registered person maintains appropriate links with the local community to the home and, where appropriate, promotes positive links between the children and the community.

[Regulation 31]

## Accommodation

### OUTCOME

Children enjoy homely accommodation, decorated, furnished and maintained to a high standard, providing adequate facilities for their use.

### STANDARD 24

- 24.1 The home provides adequate good quality domestic style facilities for those living on the premises consistent with the purpose and function of the home, and is maintained in good order throughout.**
- 24.2 The home is decorated and furnished to a standard which creates a pleasant domestic environment, appropriate to the number, gender mix, disability, age, culture and ethnic background of the children being accommodated.

- 24.3 The interior and exterior of the home are maintained in a good state of structural and decorative repair. There is a satisfactory maintenance and repair programme for the building, furniture and equipment, and any damage is repaired promptly. Gardens and/or hard play areas are well maintained and safe. The home is kept clean.
- 24.4 There is a distinction between private and community shared space in the home. Where a school is a children's home, there is a clear separation between residential units and non-residential school buildings.
- 24.5 Each child has a single bedroom or their own area in a double bedroom, of a suitable size, with a suitable bed and bedding, seating, storage for clothes, lockable or otherwise safe storage for personal possessions, a window with curtains (or other window covering), lighting sufficient to read by, carpet or other appropriate floor covering, and heating.
- 24.6 In a school which is a home, as far as possible children are given the option of a single room. From April 2003, there are no more than four children in a bedroom and at no time are there odd numbers of children sharing a bedroom. Children have a suitable bed and bedding, seating, storage for clothes, lockable or otherwise safe storage for personal possessions, curtains or other window coverings, lighting sufficient to read by, carpet or other appropriate floor covering, and heating. Bunk beds are not used for children aged 13 or over unless they request it, and are not used for children for whom there would be safety risk. Where bunk beds are used, there has to be the floor space comparable to there being two separate beds in the room. Any request by a child to change bedrooms is given urgent consideration and agreed if feasible.
- 24.7 The registered person takes into account the potential for abusive behaviour before agreeing to the sharing of bedrooms.
- 24.8 Where necessary because of children's disabilities or other needs, an effective emergency call system is provided with sufficient and appropriately located call points readily accessible to children in emergency (eg pull cords that can be reached after falling). The system is operational and effective in summoning prompt staff assistance.
- 24.9 Where needed by children, the home provides sufficient and appropriate equipment such as lifts, hoists and wheelchairs, and such equipment is regularly serviced. Rooms used to accommodate disabled children must, if relevant, have sufficient space for the easy manoevrability of wheelchairs and specialised equipment such as hoists.
- 24.10 Children are able and encouraged to personalise their bedrooms.
- 24.11 One or more telephones are provided for the exclusive use of children in the home in private. These offer acceptable levels of privacy for personal calls, and are maintained in working order, any damage or breakdown being promptly repaired. Disabled children are enabled to use the telephone in private as far as is possible.
- 24.12 Facilities for children to study at the home are quiet, have sufficient seating and desk/table space, are adequately lit, have adequate storage for books and study materials, and are available when needed for study purposes.

- 24.13 There are facilities for children to pursue personal hobbies at the home, with sufficient and secure storage for safekeeping of materials.
- 24.14 Children are given opportunities to have a say in the general décor, furnishings and upkeep of the home if they wish.
- 24.15 There are rooms in which children can meet privately with visitors and space for private activities, play and recreation which do not affect other children's routine activities.
- 24.16 Staff sleep-in rooms are not part of the communal living area, and are located close to children's bedrooms to respond to children's night time needs. Where more than one staff member sleeps in on the same night, there are separate sleeping-in rooms.
- 24.17 A home that provides temporary accommodation as detailed in its Statement of Purpose may, under certain circumstances, be exempted from the requirement to provide each child with a single bedroom or their own area in a double bedroom, provided that a risk assessment has been undertaken, and that the welfare needs of children are not compromised by the arrangements.
- 24.18 In any home that is not also a school, children share bedrooms only where the children have agreed to the arrangement to share. Children accommodated in emergency provision (subject to a home's Statement of Purpose allowing such a placement) are not placed in a shared bedroom (other than with siblings) until an assessment has been carried out to ascertain their views and the views of those who already sleep in the bedroom.
- 24.19 Where they are relevant, schools which are children's homes meet the requirements of the School Premises Regulations 1999.

[Regulations 15, 31]

## Bathrooms and Washing Facilities

### OUTCOME

Children's privacy is respected when washing.

### STANDARD 25

- 25.1 Baths, showers and toilets are of a number and standard to meet the needs of the children.**
- 25.2 There is at least one toilet for every four children accommodated, with nearby handwashing and drying provision. A toilet that is in a bathroom or shower room is not the only toilet in a home.

- 25.3 Subject to standard 25.9, both baths and showers are available for children's use, and there is a minimum of one bath or shower for every five children accommodated.
- 25.4 Bathrooms, showers and toilets are sited and designed to take account of the children's needs for privacy, dignity, safety and any disability, and are readily accessible from sleeping and recreational areas of the home. Showers which are not in individual rooms are provided in individual cubicles or fully individually curtained for privacy.
- 25.5 Bathrooms and toilets are accessible to disabled children in accordance with the home's Statement of Purpose. Disabled children requiring personal assistance have it provided in a manner which maximises privacy and dignity.
- 25.6 Staff (not children) are able to open the doors to bathrooms, showers and toilets from the outside in case of emergency.
- 25.7 In homes accommodating more than 5 children, staff use separate toilet and bathroom or shower facilities to those used by children. In homes accommodating 5 or fewer children, staff may use the same facilities as the children, but there is a clear understanding that they may not use them when children are present.
- 25.8 Hot water accessible to children under 8, or children with disabilities which place them at risk from excessively hot water, is maintained at no more than 43°C at taps and other outlets accessible to them.
- 25.9 The above standards apply to schools which are children's homes except that:
- in boys' residential units, urinals may be provided instead of no more than two thirds of the required number of toilets
  - there should be a minimum of one bath or shower for every seven children accommodated, but a higher ratio where required by children's needs.

This standard is subject to the requirements of the School Premises Regulations 1999 where applicable.

[Regulation 31]

## Health, Safety and Security

### OUTCOME

Children live in homes that provide physical safety and security.

### STANDARD 26

- 26.1 Positive steps are taken to keep children, staff and visitors safe from risk from fire and other hazards.**

- 26.2 Risk assessments (identifying hazards, estimating level of risk to health, safety or welfare from the hazards identified, and identifying action to be taken both to reduce risks to an acceptable level where practicable and to avoid unnecessary or unreasonable risks) are carried out, recorded in writing and regularly reviewed. Such risk assessments are carried out in relation to the home's premises and grounds, children's known and likely activities (both permitted and illicit), the potential for bullying and abuse within or outside the home, and where applicable the impact of emergency admissions to the home for both the admitted child and the existing child group.
- 26.3 The registered person of the home regularly reviews the implementation and effectiveness of action identified as a result of risk assessments carried out.
- 26.4 The registered person has planned responses to a range of foreseeable crises (eg outbreaks of illness, fires, serious allegations or complaints, significant accidents, staff shortages, and control problems within or outside the home), and any major incidents or crises since the last inspection have been satisfactorily managed. Gas installations are inspected at least annually. Electrical installations and equipment are checked at least every three years. Boilers are maintained annually. The local Environmental Health Service has assessed the food storage and preparation provision of the home and any recommendations are implemented within the timescale advised.
- 26.7 Children and staff know the emergency evacuation procedures for the home, including those for use at night, in case of fire.
- 26.8 The registered person implements the requirements of the local Fire Authority, to the timescales agreed. Subject to any local arrangements agreed:
- at least four fire drills, including evacuation of staff and children from the building and fire drills held at night, take place in a 12 month period, and are recorded
  - there is regular testing of emergency lighting, fire alarms and fire fighting equipment
  - any deficiency identified from drills, tests or visits from the fire safety officer is noted, and action taken as necessary to remedy the deficiency
  - the local Fire Authority has been consulted about fire precaution measures, and is consulted further whenever any significant extension, change of use or alteration is made to the premises.
- 26.9 The registered person ensures that the home has current Public and Employee Liability insurance to a minimum value of £5 million. Certificates of insurance specify the name and address of a particular home.
- 26.10 Where the home uses medical devices and equipment, or equipment for disabled children (eg hoists, lifts, wheelchairs), the home has arrangements to receive and respond to relevant hazard and other warning notices from the Medical Devices Agency.
- 26.11 The location and design of car access and parking areas at the home minimise risk to children from vehicle movements.

[Regulations 22, 23, 31, 32]



# 6

## Staffing

### Vetting of Staff and Visitors

#### OUTCOME

There is careful selection and vetting of all staff and volunteers working with children in the home and there is monitoring of visitors to prevent children being exposed to potential abusers.

#### STANDARD 27

- 27.1 There is a written record of the recruitment process which is followed in respect of all staff (including ancillary staff and those on a contractual/sessional basis) and volunteers who work with children in the home, including evidence that all requirements of Schedule 2 of the SI 2001 No. 3967 have been met in every case.**
- 27.2 The registered person's system for recruiting staff (including ancillary staff and those on a contractual/sessional basis) and volunteers who work with children in the home includes an effective system to decide on appointment, or refusal of appointment, of staff or others likely to have regular contact with children at the home, in the light of any criminal convictions or other concerns about suitability that are declared or discovered through the recruitment process.
- 27.3 The registered person ensures that any staff provided through an agency who work with the children in the home have successfully passed the checks that are required in the Children's Homes Regulations 2001 within the previous 12 months. There must be evidence of this, which is placed on their file. The check will be at enhanced level for staff and volunteers involved in regularly caring for, supervising, training or being in sole charge of children, and at the 'standard' level for all others working as paid staff or volunteers on the premises of the home or school.
- 27.4 The registered person has taken reasonably practicable steps to ensure that where children are driven in taxis arranged by the home, they are either accompanied by staff or other arrangements have been made to ensure that their welfare is safeguarded on the journey.
- 27.5 Staff members and others subject to the above checks do not normally start work at the home until all the checks required in the Children's Homes Regulations 2001 are completed. Exceptionally, a member of staff may be allowed to do so while the outcome of some checks are awaited, but, once the Criminal Records Bureau is

operational, in every case the appropriate check via the Criminal Records Bureau must have been completed before the person starts work. In such circumstances, the registered person must ensure that:

- the individual is directly supervised at all times at a level that prevents them having unsupervised contact with children in the home
- such circumstances are exceptional,
- the registered person has taken all reasonable steps to complete the recruitment process and to 'chase' outstanding information, and
- the registered person has taken all reasonable steps to avoid such circumstances occurring.

Continued employment, in such circumstances, is subject to satisfactory outcomes from the checks.

- 27.6 The registered person provides information about the purpose of the home, consistent with its Statement of Purpose, to all applicants for all posts in the home.
- 27.7 Wherever practicable, short-listed applicants for appointment to any post in the home are invited for a visit to the home and to meet staff and children (subject to the children's agreement) prior to the decision on appointment being made, and observations sought from staff and children, which are taken into account in the appointment decision. In such circumstances, candidates are not given unsupervised access to children.
- 27.8 Any employment references provided by the registered person on any existing or past staff member for work with children clearly state where there are any concerns regarding the suitability of the person to work with children and, if so, explain what those are.
- 27.9 Adults living in households on the premises of the home who are not members of staff of the home are checked through the Criminal Records Bureau at the 'standard' level of checking.
- 27.10 Any visitor to the home who has not been satisfactorily checked, either through the police or, once the Bureau is operational, through the Criminal Records Bureau, is not allowed unsupervised access to the home.
- 27.11 There is a clear policy, with procedures, implemented in practice, for monitoring such people. There is a system in place to record all visits made to the home. Staff take responsibility for the monitoring and management of such visitors, in consultation with children, in the interests of the safety and welfare of all resident children. Children are given clear written and verbal guidance on the arrangements for receiving their own visitors to the home. Visiting parents and relatives are not given unsupervised access to other children in the home.

[Regulations 16, 26, 27]

## Staff Support

### OUTCOME

Children are looked after by staff who are themselves supported and guided in safeguarding and promoting the children's welfare.

### STANDARD 28

- 28.1 All staff, including domestic staff and the registered person of the home, are properly managed, supported and understand to whom they are accountable.**
- 28.2 All staff and others working in the home (including temporary, contracted, seconded and ancillary staff) receive at least one and a half hours of one to one supervision from a senior member of staff each month. New staff receive one to one supervision at least fortnightly during the first 6 months of their employment. Agency staff and those employed infrequently to cover staff absences must receive one to one supervision no less frequently than after each 8 shifts worked in the home. (In schools which are homes, staff receive at least one and a half hours one to one supervision from a senior member of staff each half-term. New staff receive one to one supervision at least fortnightly during the first two terms of their employment. Agency staff and those employed infrequently to cover staff absences receive one to one supervision no less than once in every half term they work more than 10 shifts or days at the school.) Records are kept of agreed action following all supervision meetings.
- 28.3 A written record is kept in the home detailing the time and date and length of each supervision held for each member of staff, including the registered person. The record is signed by the supervisor and the member of staff at the end of the supervision and is available for inspection by the Commission.
- 28.4 Supervision of staff working with children addresses the following issues:
- responses to and methods of working with children
  - work with any child for whom the staff member is key worker
  - the staff member's role, including their accountability, in fulfilling the home's Statement of Purpose
  - the staff member's work in fulfilling the placement plan for individual children
  - degree of personal involvement, feelings, concerns and stress
  - staff development and training
  - feedback on performance
  - guidance on current and new tasks, including the setting and maintenance of standards
  - personal issues which may impinge on the member of staff's ability to carry out their duties effectively.
- 28.5 Suitable arrangements exist for professional supervision of the registered person of the home.

- 28.6 All staff, including the registered person, have received written job descriptions and person specifications related to the home's current Statement of Purpose which state clearly their responsibilities, the duties currently expected of them and their line of accountability. Job descriptions are subject to periodic review.
- 28.7 All staff have their performance individually and formally appraised at least annually by their line manager (for teachers, this will normally be part of Performance Management and is not a separate process). The employee's personal file contains a record of the appraisal showing the level of performance achieved, targets for the coming year, and the agreed training needs to be met within the following year as part of the individual's Personal Development Plan.
- 28.8 Staff are provided with written guidance on the home's procedures and practice. This is kept up to date, is accessible, and where applicable is available on the policy areas detailed in Appendix 1. Staff are informed of the home's complaints procedure.
- 28.9 Staff of the home have access to sources of advice and counselling.
- 28.10 Staff meetings occur at least monthly, and include discussion of both the home's work in caring for individual children and the management of the current child group, together with review of the home's practices. Meetings have an agenda and are minuted.

[Regulation 27]

## Adequacy of Staffing

### OUTCOME

Children receive the care and services they need from competent staff.

### STANDARD 29

- 29.1 **The overall competence of staff, both as a staff group and on individual shifts, is satisfactory in relation to the fulfilment of the home's Statement of Purpose, the care plans, placement plans and needs (including any nursing needs) of individual children in the home, the number and mix of children in the home, and any particular difficulties being experienced by the home.**
- 29.2 There are clear arrangements for staff to deputise in the registered person's absence, and the deputy to the registered person of the home (or the person designated to deputise for the registered person in his/her absence) has at least one year's relevant supervisory experience.
- 29.3 Staff members who are placed in charge of the home and other staff at particular times (eg as leaders of staff shifts) have substantial relevant experience of working in the home, are not themselves temporary staff, and have successfully completed their induction and probationary periods.

- 29.4 By January 2004, all care staff are at least 18 years old, and staff who are given sole responsibility for children or a management role are at least 21 years old. Within these requirements, no person works in a children's home unless they are at least 4 years older than the oldest child accommodated.
- 29.5 A minimum ratio of 80% of all care staff have completed their Level 3 in the Caring for Children and Young People NVQ by January 2005. Staff may hold other qualifications that require similar competencies, and these may be courses developed locally which are accredited. New staff engaged from January 2004 need to hold the Caring for Children and Young People NVQ or another qualification which matches the competencies or begin working towards them within 3 months of joining the home.
- 29.6 Staff rotas have time scheduled to ensure that handover sessions, spending time with individual children, completion of records, planning and carrying out of care programmes occur without compromising overall care of children.
- 29.7 Children are not given responsibility over other children in the home, nor given responsibilities to compensate for any lack of staff in the home. Children who are given responsibility for specific tasks in the home are sufficiently supervised by staff to ensure that they fulfil their roles appropriately, without abuse of the role (eg to bully others).
- 29.8 The registered person has in place a staff disciplinary procedure which is clear that a member of staff may be sent home, as a neutral act, pending consideration of, or completion of an investigation of, any suspicion or allegation of abuse or serious concern relating to the safety or welfare of children. The procedure clearly separates staff disciplinary processes from child protection enquiries and criminal proceedings, and is known by staff.

[Regulations 25, 26 and 27]

### OUTCOME

Staff are sufficient in number, experience and qualification to meet the needs of the children.

### STANDARD 30

- 30.1 The home is staffed at all times of the day and night, at or above the minimum level specified under standard 30.2. Records of staff actually working in the home demonstrate achievement of this staffing level.**
- 30.2 The registered person's staffing policy ensures that the staffing is adequate to meet the home's Statement of Purpose. The home's staffing is sufficient in practice to meet the needs of the children accommodated. The staffing policy is set out in the Statement of Purpose and states:
- the number of care staff required to be on duty by day (which may include different required numbers for different circumstances)

- the number of care staff required to be on duty by night, and whether they are required to be waking or sleeping in
  - the number of ancillary staff required to be on duty in addition to care staff at defined times of day or night
  - the agreed start and finishing times for night staffing
  - the arrangements for managing the staff on duty group by day and night
  - the minimum number of staff to be present in the building during the day
  - the arrangements for calling senior staff support if required.
- 30.3 The registered person makes every effort to achieve continuity of staffing such that children's attachments are not overly disrupted. No more than half the staff on duty at any one time by day or night at the home are to be from an external agency, and no member of staff from an external agency is to be alone on duty at night in the home.
- 30.4 The registered person increases the number of staff looking after children above the minimum required by the Statement of Purpose where children's needs, the number of children, or other circumstances require this in order to safeguard and promote the welfare of each individual child.
- 30.5 Where only one member of staff is on duty at any time, a risk assessment has been carried out and recorded in writing, identifying any likely risks to children, staff and members of the public, and this has demonstrated that there is no unacceptable level of risk from such an arrangement.
- 30.6 Children always have a member of staff responsible for them. They know who that member of staff is, and how to contact them. There is at least one member of staff responsible for each identifiable group of children, within or outside the home, with the means to call for immediate back up from at least one other member of staff if necessary.
- 30.7 Staffing arrangements for staff sickness and absence enable the home's staffing policy (as detailed in the Statement of Purpose) to be maintained.
- 30.8 The staff group in day to day contact with children includes staff of both genders whenever possible. Where the home's Statement of Purpose makes it explicit that the home uses staff of one gender only, clear guidance is provided and implemented on how children are enabled to maintain relationships with members of the opposite gender to the staff group. Staffing arrangements also take into consideration children's ethnic and cultural backgrounds and any disabilities they may have.
- 30.9 Staff know which children and adults are sleeping in the house each night.

[Regulation 25]

**OUTCOME**

Children are looked after by staff who are trained and competent to meet their needs.

**STANDARD 31**

- 31.1 Staff receive training and development opportunities that equip them with the skills required to meet the needs of the children and the purpose of the home.**
- 31.2 The registered person has an induction training programme for all newly appointed care and ancillary staff (including any agency, temporary, volunteer, and student staff), which includes guidance on child protection. New staff are supervised, and are clear about accountability and reporting lines, and procedures to be followed in relation to emergencies, health and safety, child protection and notification of incidents.
- 31.3 An introduction to child protection procedures, fire training, medical procedures and recording is provided for all staff before they start work in a home. All care staff receive their full induction within six weeks of joining the home, and their foundation training within six months of joining the home. Both the induction training and the foundation training are to the National Training Organisation's specification.
- 31.4 All childcare staff have a personal development plan, and receive at least 6 paid days of training per year. They have, where appropriate, access to continuing and post qualifying training in child care. A written record of all training for all staff is maintained in the home.
- 31.5 Where staff members do not already have the necessary skills, they have been provided with access to programmes of training available which address the issues detailed in Appendix 2.
- 31.6 Staff do not smoke with or in the presence of children accommodated in the home. Only in exceptional circumstances and with the registered person's express permission do staff have a small alcoholic drink whilst on duty (eg Christmas lunch). Under no circumstances does a member of staff use any illegal drug or other substance in the home nor does a member of staff take any such substance into the home. In homes accommodating disabled children who need to be lifted or handled, staff are trained in lifting and handling techniques.

[Regulation 27]





# 7

## Management and administration

### Monitoring by the person carrying on the home

#### OUTCOME

The person carrying on the home monitors the welfare of the children in the home.

#### STANDARD 32

- 32.1 Where the person carrying on the home does not manage the home on a day-to-day basis, they must visit the home at least once a month in accordance with the regulations. After the visit, and within 2 weeks, they should complete a written report on the conduct of the home. A copy of the report is sent to the Commission and a copy is lodged in the home for the manager and staff to read and respond to.**
- 32.2 Visits are generally carried out unannounced. They include checks on the home's daily log, records of complaints, disciplinary measures and use of restraint, assessment of the physical condition of the building, furniture and equipment of the home, and provide an opportunity for any child or member of staff who wishes to meet the visitor (in private if they wish). Announced visits may be made if the registered person wishes to meet particular people for whom warning of the visit is required.
- 32.3 Action is taken by the registered person on recommendations or issues of concern raised in such reports.

[Regulation 33]

### Monitoring of the Operation of the Home

#### OUTCOME

The care of children accommodated in the home is monitored and continually adapted in the light of information about how it is operating.

#### STANDARD 33

- 33.1 There are systems in place to monitor the performance of the home against its Statement of Purpose, and for regular reviewing of the Statement, and the**

**registered provider ensures that performance is monitored in accordance with the Children's Homes Regulations 2001. The registered person of the home monitors and signs the home's records at least once a month, to identify any patterns or issues requiring action. S/he takes action to improve or adjust provisions where necessary.**

- 33.2 Action is taken if necessary in relation to any concentration, trend or pattern in recorded issues or events to improve the safeguarding and promotion of the welfare of children and the quality of care in the home.
- 33.3 The registered person considers the reasons for any high incidence of police involvement with children from the home, high proportion of children not at school or suspended or excluded from school, or high staff turnover. Any consequential action necessary is carried out.
- 33.4 The registered person can demonstrate that the home is operating in accordance with its Statement of Purpose, that the range of needs to be met under the Statement of Purpose is not excessive in the light of the home's current functioning, and that the home only admits children whose assessed needs can be met within the purpose of the home.
- 33.5 The registered person has a written development plan, reviewed annually, for the future of the home, either identifying any planned changes in the operation or resources of the home, or confirming the continuation of the home's current operation and resourcing.
- 33.6 Copies of inspection reports by the National Care Standards Commission are prominently displayed within the home and made available by the registered person to all members of staff, to children resident at the home, to parents, and on request to placing authorities of existing children or considering placing a child.

[Regulation 34]

## Business Management

### OUTCOME

Children enjoy the stability of efficiently run homes.

### STANDARD 34

- 34.1 Administration of the home is efficient and the home is financially sound.**
- 34.2 The registered person has the necessary ability to plan, budget and administer the finances for the home to ensure that it is run on a sound financial basis.

- 34.3 The registered person of the home has:
- by January 2005, a professional qualification relevant to working with children, which must be either NVQ level 4 or the DipSW (or another qualification that matches the competencies required by that NVQ);
  - by January 2005, a qualification at level 4 NVQ in management (or another qualification that matches the competencies required by that NVQ);
  - at least two years' experience of working with children within the past five years; and
  - in addition at least one year's experience of working at a senior level in a residential setting.
- 34.4 The job description of the registered manager clearly states in writing the responsibilities and duties of the registered manager in managing the home, and states the person to whom the registered manager is accountable and who is responsible for ensuring that the registered manager carries out their duties and responsibilities. Any change in the person to whom they are accountable has been notified in writing to the registered manager.
- 34.5 For the transitional period in relation to 34.3, appointees to the post of registered manager of the home who do not have the appropriate qualifications, they begin appropriate training within three months of appointment.
- 34.6 The registered manager of the home exercises effective leadership of the home's staff and operation, such that the home is organised, managed and staffed in a manner that delivers the best possible child care.
- 34.7 The funding of the home is sufficient to finance the fulfilment of the home's Statement of Purpose, these national minimum standards, and any conditions of the home's registration.
- 34.8 The accounts demonstrate that the home is financially viable and likely to have sufficient funding to continue to fulfil its Statement of Purpose for the next 12 months.
- 34.9 The registered manager takes reasonable steps to ensure good relationships with neighbours and the wider community.
- 34.10 Where a residential special school is a children's home and the head of school is the registered manager, then it is the head of care (or equivalent postholder) who meets the qualification requirements set out in 34.3 above. The head of care should not also be the head of school.

[Regulations 8 and 36]

## Children's Individual Case Files

### OUTCOME

Children's needs, development and progress are recorded to reflect their individuality.

### STANDARD 35

- 35.1 Each child has a permanent private and secure record of their history and progress which can, in compliance with legal requirements, be seen by the child, and by the child's parents as appropriate.**
- 35.2 Each child's file contains the necessary information as detailed in Schedule 3 of the Children's Homes Regulations 2001, and children are made aware that they may read their files, confidential or third party information excepted, and are actively encouraged to do so and to correct errors and add personal statements.

[Regulation 28]

# 8

## Specific Settings

### Secure Accommodation and Refuges

#### OUTCOME

Children living in secure units or refuges receive the same measures to safeguard and promote their welfare as they should in other children's homes.

#### STANDARD 36

- 36.1** **Apart from the measures necessary to the home's status as a secure unit or refuge, children resident in secure units or refuges receive the same care services as they should in other children's homes.**
- 36.2 Children in secure accommodation within a home are cared for consistently with these national minimum standards, with only those adaptations essential in the home concerned for the maintenance of security.
- 36.3 Children in homes which are refuges approved under the Children Act 1989 are looked after in accordance with these national minimum standards, with only those adaptations essential in the home concerned as a result of its status as a refuge.

[Children Act 1989, Sections 22, 61, 64, Regulation 11]



# Appendices





## Appendix 1

# Policy Issues to be Included in Guidance Available to Staff

1. admission and reception of children
2. methods of care and control
3. health policy
4. education policy
5. permissible sanctions
6. use of restraint
7. case recording and access to records
8. care and placement plans
9. use of each child's placement plan
10. countering bullying
11. log book and diary recording
12. confidentiality
13. administration of finance (petty cash) and security
14. repairs and maintenance
15. fire precautions and emergency procedures
16. countering risks identified through the home's risk assessments extending to which all or part of premises may be locked as a security measure
17. the health and safety policy (including food hygiene)
18. policy on room searches
19. child protection
20. arrangements for regulating and vetting visitors at the home
21. HIV/AIDS awareness, confidentiality and infection control
22. responding to allegations or suspicions of abuse
23. treatment of children who have been abused
24. rostering shift handovers

25. staffing policy
26. sleeping-in, bed-time and night supervision
27. physical contact with children
28. spending one to one time alone with children
29. care practices towards children of the opposite sex
30. the particular care needs of children from minority ethnic groups
31. practices within the home to combat racism
32. staff disciplinary and grievance procedures
33. delegated authority and notifications to senior staff
34. reviews
35. dealing with aggression and violence
36. risk taking
37. dealing with sexuality and personal relationships
38. working with parents/carers
39. first aid and administration and storage of medication
40. the complaints and representations procedures
41. the smoking policy
42. the alcohol policy
43. drugs and misuse of substances policy
44. gift giving and receiving
45. whistleblowing' by staff

## Appendix 2

# Programmes of Training for Staff

1. normal and abnormal child development
2. basic residential child care skills and team working
3. specific child care approaches and skills appropriate to the home's purpose and function
4. exercising appropriate positive means of control over children in the interests of their own welfare and the protection of others
5. recording skills
6. permitted and prohibited disciplinary measures
7. use of restraint
8. child protection
9. issues of race, ethnicity, religion and culture
10. dealing with sexuality
11. health education relevant to growing children including diet and nutrition
12. the implications of HIV and AIDS when looking after children
13. communicating with children, including those with disabilities
14. health and safety at work, including food hygiene and safety with medicines
15. fire precautions
16. first aid
17. the Children Act 1989, the Human Rights Act 1998 and other relevant legislation
18. the provision of purposeful and enjoyable activities as part of a positive care experience
19. staff supervision [for staff with supervisory responsibility]
20. interview techniques [for staff with recruitment responsibilities]
21. complaints and representations procedures
22. the requirements of these National Minimum Standards

23. specific child care approaches, knowledge and skills for their role in the home
24. working with families
25. undertaking risk assessments.

## Appendix 3

# Glossary for Children's Homes

This glossary is intended to be of general assistance to the reader in interpreting the standards. The definitions provided do not affect any meaning that a term may have under any relevant legislation.

### **Absconding**

Absence of a child from the home without authority, eg running away or failing to return from an outing.

### **Abuse**

Something that causes actual or likely significant harm to a child. May be physical, emotional or sexual, or neglect of the child.

### **Advocate**

A person assisting a child in putting forward their views or making their case on their behalf.

### **Agency Staff**

Staff not employed directly by the home, but provided by an agency which employs them and contracts to provide staff for a specified period to the home.

### **Ancillary Staff**

Staff working at the home in non-care capacities (or, for schools, non-teaching capacities), such as administrative, domestic, cleaning, catering, maintenance and grounds staff, and drivers.

### **Area Child Protection Committee**

A multi-agency group set up to determine the policies and procedures to be followed concerning child protection in a given area. It issues procedures in line with Working Together.

### **Bodily Functions**

Includes using the toilet, personal cleansing, washing, showering, using the bath, dressing, undressing, cleaning teeth, eating and similar everyday personal functions.

**Bullying**

Generally, bullying in this context would comprise the intentional or perceived causing of pain, distress, anxiety, humiliation or social exclusion to one child by one or more other children, by physical or verbal means, or through damage or loss of property.

Note that the Standards require homes to formulate their own definition of bullying, which may reflect issues related to the individual home or the children living there.

**Care Plan**

A plan for looking after a child and meeting that child's current and future needs, made by a placing authority under Children Act requirements.

**Child Protection**

Taking reasonable measures to reduce the risk of physical, emotional or sexual abuse, neglect or significant harm of a child, enabling children and staff to report concerns about actual or potential abuse or significant harm, and responding appropriately to allegations, occurrences and suspicions of abuse or significant harm of a child – in the home, outside the home or at school.

**Child Protection Enquiry**

An enquiry into possible significant harm to a child (eg through physical, emotional or sexual abuse, or through neglect), carried out by a local social services authority under section 47 of the Children Act 1989. May include police investigations or investigation by the NSPCC.

**Child Protection Plan**

A plan identifying a strategy and actions to be taken by (possibly) a number of agencies and individuals to protect a child at risk of significant harm. Likely to follow a child protection enquiry.

**Children's Home**

In summary, an establishment (subject to certain exceptions) which provides care and accommodation wholly or mainly for children. Schools (both "special" and "mainstream") which accommodate children (eg as boarders) for more than 295 days a year. See s1 of the Care Standards Act and Regulations 2001, for the full definition.

**Contract Staff**

Staff not employed directly by the home, but by a contractor who carries out work in the home under a contract with the home, eg cleaning, catering, building, driving or maintenance staff of an outside contractor working in or for the home.

### **Criminal Records Bureau**

A national organisation conducting police checks to enable an assessment to be made (eg by a home) on the suitability of a person to work with children. Different levels of check will be available for different levels of regular contact and supervisory responsibility for children.

### **Fire Drill**

A trial triggering of a fire alarm and practice of the plan to evacuate children from the building concerned to a safe assembly point, identifying any issues requiring attention to improve the speed and efficiency of such evacuation.

### **First Aider**

A person holding an up to date qualification in administering first aid, from a recognised body, and designated to provide first aid to children if required.

### **High Risk Activities**

Activities for children which present significant or unusual hazards to their safety or welfare, requiring risk assessment and positive safety measures, but which are a reasonable concomitant of a worthwhile activity.

### **Household Medication**

Medicines suitable for children (such as appropriate analgesics) which can be bought “over the counter” without prescription.

### **Induction**

Initial training or guidance given at the start of involvement in living at a home – guidance (eg from a child already resident at the home) for a new resident on arrival at the home; initial training on the home’s residential and care policies and practice for a new member of staff.

### **Intimate Care**

Physical assistance or supervision for a child which involves seeing, touching or other contact with the child’s normally clothed body, because of the child’s disability or care needs – eg assistance with toileting, washing, dressing or undressing, or administration of medication involving these.

### **Job Description**

A written, agreed and up to date statement of the main tasks and responsibilities of a staff member’s job within the home, including overall definition of their role and the person to whom they are accountable.

### **Key Worker**

A member of the home's staff with particular responsibility for the welfare, guidance and support of an individual child.

### **Leaving Care Plan**

A plan to help young people make the transition between being looked after to independence.

### **Measure of Control**

A means used to maintain acceptable behaviour by children, including supervision, guidance, reward, physical restraint and disciplinary measures or punishments.

### **Neglect**

Single or repeated failure to take appropriate action which results in harm or distress being suffered by the child or young person. Neglect can take many forms but includes the withholding of appropriate medicines, food and emotional support. It is characterised by the child or young person suffering from something not being done.

### **Non-Prescription Medication**

Medicines suitable for children (such as appropriate analgesics) which can be bought "over the counter" without prescription.

### **Nurse**

A person with a current registration and qualification to practice as a nurse in the UK.

### **Personal Care**

Includes help with bodily functions where required.

### **Personal Development Plan**

An agreed plan defining the training and support needs, planned means of meeting these, and the work related goals of a member of staff.

### **Personal Education Plan**

Person with Parental Responsibility

Someone having parental responsibility towards a child, under the Children Act 1989 (whether or not also the child's biological parent).

### **Placement**

The agreement for a child to attend and live at a particular place – eg the home.



### **Placement Plan**

An agreed written statement, regularly updated, defining how a child is to be looked after on a day-to-day basis at the home, including meeting the child's needs and responding to the child's difficulties, which is consistent with both the home's overall Statement of Purpose and the overall care plan for the child concerned made by their placing authority.

### **Placing Authority**

See Regulation 2 of the Children's Homes Regulations 2001 for definition.

### **Policy**

An operational statement of intent which helps staff make sound decisions and take actions which are legal, consistent with the aims of the home, and in the best interests of children and young people.

### **Positive Reinforcement**

Positive consequences for acceptable behaviour or progress of a child, intended to recognise and encourage such behaviour or progress.

### **Procedure**

The steps taken to fulfil a policy.

### **Registered Person**

A person who either: carries on the home and is registered with the National Care Standards Commission to do so (the registered provider); or manages the home and is registered with the National Care Standards Commission to do so (the registered manager). In some cases, the registered provider may also manage the home.

### **Representations**

Complaints, concerns or major issues raised with the home or a placing authority by or on behalf of a child about their care or welfare.

### **Residential Special School**

A special school which accommodates pupils overnight, including a residential maintained or non-maintained special school, or a residential independent school wholly or mainly accommodating children with special educational needs. If such a school accommodates one or more children for more than 295 days a year at the school or in school arranged accommodation, it is a children's home (see s1(6) of the CSA for the full definition). Thus schools providing "52 week" accommodation must register as children's homes. They may continue to be called schools, however.

### **Restitution**

A disciplinary measure or punishment in which the child is expected to “make good” or repay an individual or the home for the consequences of unacceptable actions or damage they have done. An alternative to more artificial sanctions, but should always be reasonable, feasible and proportional to the actions concerned.

### **Restraint**

Use of reasonable physical intervention or force to prevent injury or serious damage to property.

### **Risk Assessment**

The process of identifying hazards to safety or welfare of children, estimating their seriousness and likelihood, and identifying reasonable measures to minimise unnecessary hazards, recorded in writing as the basis for an action plan and decision making to reduce unnecessary hazards to children.

### **Sanctions**

Any negative consequences applied for unacceptable behaviour – eg punishments, loss of privileges or duties to be carried out.

### **Significant Harm**

Any physical, sexual, or emotional harm, neglect, accident or injury which is sufficiently serious to adversely affect progress and enjoyment of life.

### **Sleeping In**

Staff responsible for children within the home at night, but asleep within the building and “on call” to be woken if needed.

### **Staff**

See definition of employment in the Children’s Homes Regulations 2001.

### **Statement of Purpose**

A document required by the Children’s Homes Regulations 2001 which defines the objectives and welfare provision of the home, and covers those issues required by Schedule 1 to the Regulations.

### **Statutory Review**

A review of a child’s care and care plan carried out as required by the Review of Children’s Cases Regulations under the Children Act by the child’s placing authority.

**Stock (of medication)**

Medication kept for general use for any child needing it, rather than prescribed medication kept only for the child for whom it was prescribed.

**Substantial Unsupervised Access (to children)**

Where an adult has regular or prolonged contact with children, or access to children's accommodation which provides opportunity for such contact, without another adult responsible for the welfare and supervision of the children being present.

**Therapeutic technique**

Any technique intended to relieve a physical, social, emotional, behavioural, psychological or cognitive problem of a child, the application of which requires skills or knowledge beyond the skills or knowledge normally expected of a parent, teacher or care worker.

**Unit**

A building, or part of a building, accommodating a defined group of children at a large home or school, looked after by one or more designated staff. Each unit may have a separate staff group.

**Usable Floor Space**

Space which is accessible to children for furniture, possessions and daily living, with attention to eg room shape, positioning of doors, windows or ensuite facilities.

**Volunteers**

People working without pay, or for expenses only, within or from the home.

**Waking (night duty)**

Where a member of staff on duty at night in the home (or in an individual residential unit) remains awake and fully available and supervising the premises and children at all times throughout their night duty period, as opposed to sleeping in or staying in a sleeping in room and only woken or called if needed.

**Welfare**

Meeting each individual child's reasonable physical, security, personal, emotional, and spiritual needs, providing support and guidance as needed, and enabling the child's normal development for the future and fulfilment in the present, taking into account the child's age, characteristics and wishes.

**"Whistleblower"**

A person who in good faith reports significant concerns, allegations or suspicions of circumstances, situations or the behaviour of others which is likely to put a child's safety or welfare at risk.

## Appendix 4

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# Children's Homes Regulations 2001





**2001 No. 3967**

**SOCIAL CARE, ENGLAND  
CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Children's Homes Regulations 2001**

*Made - - - - - 11th December 2001*

*Laid before Parliament 12th December 2001*

*Coming into force - - - 1st April 2002*

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The Secretary of State, in exercise of the powers conferred upon him by sections 1(4), 22(1), (2)(a) to (d), (f) to (j), (5)(a) and (c), (7)(a) to (h), (j), (8)(c), 25(1), 34(1), 35(1), 118(5) to (7) of the Care Standards Act 2000(a), and of all other powers enabling him in that behalf, having consulted such persons as he considers appropriate(b), hereby makes the following Regulations:—

## PART I

### GENERAL

#### Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Children's Homes Regulations 2001 and shall come into force on 1st April 2002.
- (2) These Regulations extend to England only.

#### Interpretation

- 2.—(1) In these Regulations—
  - “the Act” means the Care Standards Act 2000;
  - “the 1989 Act” means the Children Act 1989(c);
  - “child protection enquiry” has the meaning given to it by regulation 16(3);
  - “children's guide” means the guide produced in accordance with regulation 4(3);
  - “general practitioner” means a registered medical practitioner who—
    - (a) provides general medical services under Part II of the National Health Service Act 1977(d);
    - (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(e); or
    - (c) provides services which correspond to services provided under Part II of the National Health Service Act 1977, otherwise than in pursuance of that Act;
  - “organisation”, other than in regulation 17, means a body corporate or any unincorporated association other than a partnership;
  - “placement plan” means the written plan prepared in accordance with regulation 12(1);
  - “placing authority” in relation to a child accommodated in a children's home means—
    - (a) in the case of a child who is looked after by a local authority, that local authority;
    - (b) in the case of a child who is not looked after by a local authority—
      - (i) if he is being provided with accommodation by a voluntary organisation(f), that voluntary organisation;

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(a) 2000 c. 14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State, and in relation to Wales, as the National Assembly for Wales. “Prescribed” and “regulations” are defined in section 121(1) of that Act.

(b) See section 22(9) of the Care Standards Act 2000 for the requirement to consult.

(c) 1989 c. 41.

(d) 1977 c. 49.

(e) 1997 c. 46.

(f) Section 59 of the 1989 Act governs the provision of accommodation for children by voluntary organisations.

- (ii) if he is accommodated in a qualifying school under arrangements made by a local education authority or a local authority, that local education authority or local authority as the case may be;
  - (iii) in any other case, the child's parent(a);
- “qualifying school” means a school which is a children's home within the meaning of section 1(6) of the Act;
- “registered dental practitioner” means a person registered in the dentists register under the Dentists Act 1984(b);
- “registered manager”, in relation to a children's home, means a person who is registered under Part II of the Act as the manager of that home;
- “registered person”, in relation to a children's home, means any person who is the registered provider or the registered manager of the home;
- “registered provider”, in relation to a children's home, means a person who is registered under Part II of the Act as the person carrying on that home(c);
- “responsible individual” shall be construed in accordance with regulation 6(2)(c); and
- “statement of purpose” means the written statement compiled in accordance with regulation 4(1).

- (2) In these Regulations, a reference—
- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
  - (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
  - (c) in a paragraph to a lettered or numbered sub-paragraph, is to the sub-paragraph in that paragraph bearing that letter or number.
- (3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

### Excepted establishments

- 3.—(1) For the purposes of the Act, establishments of the following descriptions are excepted from being a children's home—
- (a) any institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992(d);
  - (b) subject to paragraph (2), any establishment providing accommodation for children for less than 28 days in any twelve month period in relation to any one child, for the purposes of—
    - (i) a holiday; or
    - (ii) recreational, sporting, cultural or educational activities;
  - (c) subject to paragraph (2), any premises at which a person provides day care within the meaning of Part XA of the 1989 Act for less than 28 days in any twelve month period in relation to any one child;
  - (d) subject to paragraph (2), any establishment providing accommodation for children aged 16 and over—
    - (i) to enable them to undergo training or apprenticeship;
    - (ii) for the purposes of a holiday; or
    - (iii) for recreational, sporting, cultural or educational purposes;
  - (e) any approved bail hostel or approved probation hostel(e); and

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(a) By section 121(1) of the Care Standards Act, “parent” in relation to a child, includes any person who is not a parent of his but who has parental responsibility for him.

(b) 1984 c. 24.

(c) See section 121(6) to (8) of the Care Standards Act 2000 for provision about the persons who are taken to carry on and manage a community home which is provided by a voluntary organisation.

(d) 1992 c. 13.

(e) See section 9 (2) of the Criminal Justice and Court Services Act 2000 (c. 43).

(f) any institution provided for young offenders under or by virtue of section 43(1) of the Prison Act 1952(a).

(2) The exceptions in paragraphs (1)(b), (c) and (d) do not apply to any establishment or premises in which the children who are accommodated are wholly or mainly of a description falling within section 3(2) of the Act.

(3) For the purposes of calculating the period of 28 days mentioned in paragraph (1)(c), no account is to be taken of any period of 24 hours during which at least 9 hours are spent by a child in the care of his parent or relative(b), and day care is not provided for him during that time.

#### **Statement of purpose and children's guide**

4.—(1) The registered person shall compile in relation to the children's home a written statement (in these Regulations referred to as "the statement of purpose") which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered person shall provide a copy of the statement of purpose to the Commission(c) and shall make a copy of it available upon request for inspection by—

- (a) any person who works at the children's home;
- (b) any child accommodated in the children's home;
- (c) the parent of any child accommodated in the children's home;
- (d) the placing authority of any child accommodated in the home; and
- (e) in the case of a qualifying school, the Secretary of State, and Her Majesty's Inspector of Schools in England,

and in this paragraph references to a child who is accommodated in the children's home include a child in respect of whom accommodation in the children's home is being considered.

(3) The registered person shall produce a guide to the children's home (in these Regulations referred to as "the children's guide") which shall include—

- (a) a summary of the home's statement of purpose;
- (b) a summary of the complaints procedure established under regulation 24; and
- (c) the address and telephone number of the Commission.

(4) The children's guide shall be produced in a form appropriate to the age, understanding and communication needs of the children to be accommodated in the home.

(5) The registered person shall supply a copy of the children's guide to the Commission and, on admission, to each child accommodated in the home.

(6) Subject to paragraph (7), the registered person shall ensure that the children's home is at all times conducted in a manner which is consistent with its statement of purpose.

(7) Nothing in paragraph (6) or in regulation 31 shall require or authorise the registered person to contravene or not comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

#### **Review of the statement of purpose and children's guide**

5. The registered person shall—

- (a) keep under review and, where appropriate, revise the statement of purpose and the children's guide;
- (b) notify the Commission of any such revision within 28 days; and

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(a) c. 52. Amended by section 170(1) of and paragraphs 11 and 12 of Schedule 15, and Schedule 16, to the Criminal Justice Act 1988 (c. 33); sections 5(2), 18(3) and 168(3) of and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33); section 119 of, and paragraph 6 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37); and section 165(1) of, and paragraph 5 of Schedule 9 to, the Powers of the Criminal Courts (Sentencing) Act 2000 (c. 6). Subsection (1)(a) of section 43 is to be repealed by sections 59 and 75 of, and Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43) on a date to be appointed.

(b) By section 121(1) of the Care Standards Act 2000, "relative" has the same meaning as in the 1989 Act.

(c) By virtue of section 6(1) of the Care Standards Act 2000, the Commission means the National Care Standards Commission established under that Act.

- (c) if the children's guide is revised, supply a copy to each child accommodated in the home.

## PART II

### REGISTERED PERSONS

#### **Fitness of registered provider**

- 6.—(1) A person shall not carry on a children's home unless he is fit to do so.
- (2) A person is not fit to carry on a children's home unless the person—
- (a) is an individual who carries on the children's home—
    - (i) otherwise than in partnership with others, and he satisfies the requirements set out in paragraph (3);
    - (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);
  - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
  - (c) is an organisation and—
    - (i) the organisation has given notice to the Commission of the name, address and position in the organisation of an individual (in these Regulations referred to as "the responsible individual") who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the children's home; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the children's home; and
  - (c) full and satisfactory information is available in relation to him—
    - (i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;
    - (ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.
- (4) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.
- (5) A person shall not carry on a children's home if—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

#### **Appointment of manager**

- 7.—(1) The registered provider shall appoint an individual to manage the children's home if—
- (a) there is no registered manager in respect of the children's home; and
  - (b) the registered provider—
    - (i) is an organisation or a partnership;
    - (ii) is not a fit person to manage a children's home; or
    - (iii) is not, or does not intend to be, in full-time day to day charge of the children's home.

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(a) 1997 c. 50. Sections 113 and 115, as amended, have not yet been brought into force. See further, the footnotes to paragraph 2 of Schedule 2.

(2) Where the registered provider appoints a person to manage the children's home, he shall forthwith give notice to the Commission of—

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

### **Fitness of manager**

**8.**—(1) A person shall not manage a children's home unless he is fit to do so.

(2) A person is not fit to manage a children's home unless—

- (a) he is of integrity and good character;
- (b) having regard to the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there—
  - (i) he has the qualifications, skills and experience necessary for managing the children's home; and
  - (ii) he is physically and mentally fit to manage the children's home; and
- (c) full and satisfactory information is available in relation to him—
  - (i) except where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;
  - (ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(a) has not been brought into force.

### **Registered person—general requirements**

**9.**—(1) The registered provider and the registered manager shall, having regard to the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there, carry on or manage the home (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is—

- (a) an individual, he shall undertake;
  - (b) an organisation, it shall ensure that the responsible individual undertakes;
  - (c) a partnership, it shall ensure that one of the partners undertakes,
- from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the children's home.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the children's home.

### **Notification of offences**

**10.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the Commission of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.

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(a) See the footnote to regulation 6(4).

## PART III

### CONDUCT OF CHILDREN'S HOMES

#### CHAPTER 1

##### *Welfare of Children*

#### **Promotion of welfare**

- 11.**—(1) The registered person shall ensure that the children's home is conducted so as to—
- (a) promote and make proper provision for the welfare of children accommodated there; and
  - (b) make proper provision for the care, education, supervision and, where appropriate, treatment, of children accommodated there.
- (2) The registered person shall make suitable arrangements to ensure that the home is conducted—
- (a) in a manner which respects the privacy and dignity of children accommodated there; and
  - (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of children accommodated there.

#### **Child's placement plan**

- 12.**—(1) The registered person shall, before providing accommodation for a child in a children's home, or if that is not reasonably practicable, as soon as possible thereafter, prepare in consultation with the child's placing authority a written plan (in these Regulations referred to as the "placement plan") for the child setting out, in particular—
- (a) how, on a day to day basis, he will be cared for, and his welfare safeguarded and promoted by the home;
  - (b) the arrangements made for his health care and education; and
  - (c) any arrangements made for contact with his parents, relatives and friends.
- (2) The registered person shall keep under review and revise the placement plan as necessary.
- (3) In preparing or reviewing the placement plan the registered person shall, so far as practicable having regard to the child's age and understanding, seek and take account of his views.
- (4) The registered person shall so far as is reasonably practicable—
- (a) ensure that the placement plan is consistent with any plan for the care of the child prepared by his placing authority; and
  - (b) comply with requests made by the child's placing authority to—
    - (i) provide it with information relating to the child; and
    - (ii) provide a suitable representative to attend any meetings it may hold concerning the child.

#### **Food provided for children**

- 13.**—(1) The registered person shall ensure that children accommodated in a children's home are provided with—
- (a) food which—
    - (i) is served in adequate quantities and at appropriate intervals;
    - (ii) is properly prepared, wholesome and nutritious;
    - (iii) is suitable for their needs and meets their reasonable preferences; and
    - (iv) is sufficiently varied; and
  - (b) access to fresh drinking water at all times.
- (2) The registered person shall ensure that any special dietary need of a child accommodated in the home, which is due to his health, religious persuasion, racial origin or cultural background, is met.



**Provision of clothing, pocket money and personal necessities**

14.—(1) The registered person shall ensure that the needs and reasonable preferences of each child accommodated in the home for clothing including footwear, and personal necessities are met.

(2) The registered person shall provide children accommodated in the home with such sums of money in respect of their occasional personal expenses as is appropriate to their age and understanding.

**Contact and access to communications**

15.—(1) The registered person shall—

- (a) subject to paragraphs (6) and (8), promote the contact of each child with his parents, relatives and friends in accordance with the arrangements set out in his placement plan; and
- (b) subject to paragraph (3), ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately at any reasonable time with his parents, relatives and friends, and the persons listed in paragraph (2).

(2) The persons are—

- (a) any solicitor or other adviser or advocate acting for the child;
- (b) any officer of the Children and Family Court Advisory and Support Service(a) appointed for him;
- (c) any social worker for the time being assigned to the child by his placing authority;
- (d) any person appointed in respect of any requirement of the procedure specified in the Representations Procedure (Children) Regulations 1991(b);
- (e) any person appointed as a visitor for him in accordance with paragraph 17 of Schedule 2 to the 1989 Act;
- (f) any person authorised by the Commission;
- (g) any person authorised by the local authority in whose area the children's home is situated;
- (h) any person authorised in accordance with section 80(2) of the 1989 Act by the Secretary of State to conduct an inspection of the children's home and the children there.

(3) In the case of a home in respect of which a certificate under section 51 of the 1989 Act is in force, the facilities may be at a different address.

(4) Subject to paragraphs (6) and (8), the registered person shall ensure that children accommodated in the home 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 accommodated in the home, electronic mail, in private.

(5) The registered person shall ensure that any disabled child accommodated in the home is provided with access to such aids and equipment which he may require as a result of his disability in order to facilitate his communication with others.

(6) The registered person may (subject to paragraphs (7) and (8)) impose such restriction, prohibition or condition upon a child's contact with any person under paragraph (1) or access to communications under paragraph (4) which he is satisfied is necessary for the purpose of safeguarding or promoting the welfare of the child in question.

(7) No measure may be imposed by the registered person in accordance with paragraph (6) unless—

- (a) the child's placing authority consents to the imposition of the measure; or

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(a) The Children and Family Court Advisory and Support Service (CAFCASS) is established by Chapter II of Part I of the Criminal Justice and Court Services Act 2000 (c. 43). Officers of CAFCASS are appointed for children in specified proceedings (section 41 of the 1989 Act).

(b) S.I.1991/894 as amended by S.I. 1991/2033, S.I. 1993/3069, and S.I. 2001/2874.

- (b) the measure is imposed in an emergency, and full details are given to the placing authority within 24 hours of its imposition.
- (8) This regulation is subject to the provisions of any relevant order of the court relating to contact between the child and any person.

**Arrangements for the protection of children**

- 16.**—(1) The registered person shall prepare and implement a written policy which—
- (a) is intended to safeguard children accommodated in the children's home from abuse or neglect; and
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) shall in particular provide for—
- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to any child accommodated in the children's home;
  - (b) the prompt referral to the local authority in whose area the children's home is situated, of any allegation of abuse or neglect affecting any child accommodated in the children's home;
  - (c) notification (in accordance with regulation 30) of the instigation and outcome of any child protection enquiries involving any child accommodated in the children's home, to the Commission and the child's placing authority;
  - (d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;
  - (e) consideration to be given to the measures which may be necessary to protect children in the children's home following an allegation of abuse or neglect;
  - (f) a requirement for persons working at the home to report any concerns about the welfare or safety of a child accommodated there to one of the following—
    - (i) the registered person;
    - (ii) a police officer;
    - (iii) an officer of the Commission;
    - (iv) an officer of the local authority in whose area the home is situated, or
    - (v) an officer of the National Society for the Prevention of Cruelty to Children;
  - (g) arrangements to be made for persons working at the home and children accommodated there, to have access at all times and in an appropriate form, to information which would enable them to contact the local authority in whose area the children's home is situated, or the Commission, concerning the welfare or safety of children accommodated in the home.
- (3) In this regulation "child protection enquiries" means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the 1989 Act relating to the protection of children.
- (4) The registered person shall prepare and implement as required—
- (a) a written policy for the prevention of bullying in the children's home, which shall in particular set out the procedure for dealing with an allegation of bullying; and
  - (b) a procedure to be followed when any child accommodated in a children's home is absent without permission.

**Behaviour management, discipline and restraint**

- 17.**—(1) No measure of control, restraint or discipline which is excessive, unreasonable or contrary to paragraph (5) shall be used at any time on children accommodated in a children's home.
- (2) The registered person shall prepare and implement a written policy (in this regulation referred to as "the behaviour management policy") which sets out—
- (a) the measures of control, restraint and discipline which may be used in the children's home; and
  - (b) the means whereby appropriate behaviour is to be promoted in the home.

- (3) The registered person shall—
- (a) keep under review and where appropriate revise the behaviour management policy; and
  - (b) notify the Commission of any such revision within 28 days.
- (4) The registered person shall ensure that within 24 hours of the use of any measure of control, restraint or discipline in a children's home, a written record is made in a volume kept for the purpose which shall include—
- (a) the name of the child concerned;
  - (b) details of the child's behaviour leading to the use of the measure;
  - (c) a description of the measure used;
  - (d) the date, time and location of, the use of the measure, and in the case of any form of restraint, the duration of the restraint;
  - (e) the name of the person using the measure, and of any other person present;
  - (f) the effectiveness and any consequences of the use of the measure; and
  - (g) the signature of a person authorised by the registered provider to make the record.
- (5) Subject to paragraphs (6) and (7) of this regulation, the following shall not be used as disciplinary measures on children accommodated in a children's home—
- (a) any form of corporal punishment;
  - (b) any punishment relating to the consumption or deprivation of food or drink;
  - (c) any restriction, other than one imposed by a court or in accordance with regulation 15, on—
    - (i) a child's contact with his parents, relatives or friends;
    - (ii) visits to him by his parents, relatives or friends;
    - (iii) a child's communications with any of the persons listed in regulation 15(2); or
    - (iv) his access to any telephone helpline providing counselling for children;
  - (d) any requirement that a child wear distinctive or inappropriate clothes;
  - (e) the use or withholding of medication or medical or dental treatment;
  - (f) the intentional deprivation of sleep;
  - (g) the imposition of any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;
  - (h) any intimate physical examination of the child;
  - (i) the withholding of any aids or equipment needed by a disabled child;
  - (j) any measure which involves—
    - (i) any child in the imposition of any measure against any other child; or
    - (ii) the punishment of a group of children for the behaviour of an individual child.
- (6) Nothing in this regulation shall prohibit—
- (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 a child;
  - (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property; or
  - (c) the imposition of a requirement that a child wear distinctive clothing for sporting purposes, or for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities.

### **Education, employment and leisure activity**

- 18.**—(1) The registered person shall promote the educational attainment of children accommodated in a children's home, in particular by ensuring that—
- (a) the children make use of educational facilities appropriate to their age, aptitude, needs, interests and potential;
  - (b) the routine of the home is organised so as to further children's participation in education, including private study; and
  - (c) effective links are maintained with any schools attended by children accommodated in the home.

- (2) The registered person shall ensure that children accommodated in the home are—
  - (a) encouraged to develop and pursue appropriate leisure interests; and
  - (b) provided with appropriate leisure facilities and activities.
- (3) Where any child in a children's home has attained the age where he is no longer required to receive compulsory full-time education, the registered person shall assist with the making of, and give effect to, the arrangements made for his education, training and employment.

#### **Religious observance**

- 19.** The registered person shall ensure that each child accommodated in a children's home is enabled, so far as practicable—
- (a) to attend the services of;
  - (b) to receive instruction in; and
  - (c) to observe any requirement (whether as to dress, diet or otherwise) of, the religious persuasion to which he belongs.

#### **Health needs of children**

- 20.—**(1) The registered person shall promote and protect the health of the children accommodated in a children's home.
- (2) In particular the registered person shall ensure that—
    - (a) each child is registered with a general practitioner;
    - (b) each child has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and other services, as he may require;
    - (c) each child is provided with such individual support, aids and equipment as he may require as a result of any particular health needs or disability he may have;
    - (d) each child is provided with guidance, support and advice on health and personal care issues appropriate to his needs and wishes;
    - (e) at all times, at least one person on duty at the children's home has a suitable first aid qualification;
    - (f) any person appointed to the position of nurse at the children's home is a registered nurse.

#### **Medicines**

- 21.—**(1) The registered person shall make suitable arrangements for the recording, handling, safekeeping, safe administration and disposal of any medicines received into the children's home.
- (2) In particular the registered person shall ensure, subject to paragraph (3), that—
    - (a) any medicine which is kept in a children's home is stored in a secure place so as to prevent any child accommodated there having unsupervised access to it;
    - (b) any 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 written record is kept of the administration of any medicine to any child.
  - (3) Paragraph (2) does not apply to a medicine which—
    - (a) is stored by the child for whom it is provided in such a way that others 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 them—
      - (i) under or by virtue of the National Health Service Act 1977; or
      - (ii) as part of the performance of personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997; or

- (b) in a case not falling within sub-paragraph (a), prescribed for a patient under section 58 of the Medicines Act 1968(a).

### Use of surveillance

22. Subject to any requirements for electronic monitoring imposed by a court under any enactment, the registered person shall ensure that electronic or mechanical monitoring devices for the surveillance of children are not used in a children's home, except for the purpose of safeguarding and promoting the welfare of the child concerned, or other children accommodated in the children's home, and where the following conditions are met—

- (a) the child's placing authority consents to the use of the measure in question;
- (b) it is provided for in the child's placement plan;
- (c) so far as practicable in the light of his age and understanding, the child in question is informed in advance of the intention to use the measure; and
- (d) the measure is no more restrictive than necessary, having regard to the child's need for privacy.

### Hazards and safety

23. The registered person shall ensure that—

- (a) all parts of the home to which children have access are so far as reasonably practicable free from hazards to their safety;
- (b) any activities in which children participate are so far as reasonably practicable free from avoidable risks;
- (c) unnecessary risks to the health or safety of children accommodated in the home are identified and so far as possible eliminated,

and shall make suitable arrangements for persons working at the children's home to be trained in first aid.

### Complaints and representations

24.—(1) Subject to paragraph (8), the registered person shall establish a written procedure for considering complaints made by or on behalf of children accommodated in the home.

(2) The procedure shall, in particular, provide—

- (a) for an opportunity for informal resolution of the complaint at an early stage;
- (b) that no person who is the subject of a complaint takes any part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered person;
- (d) for complaints to be made by a person acting on behalf of a child;
- (e) for arrangements for the procedure to be made known to—
  - (i) children accommodated in the home;
  - (ii) their parents;
  - (iii) placing authorities; and
  - (iv) persons working in the home.

(3) A copy of the procedure shall be supplied on request to any of the persons mentioned in paragraph (2)(e).

(4) The copy of the procedure supplied under paragraph (3) shall include—

- (a) the name, address and telephone number of the Commission; and
- (b) details of the procedure (if any) which has been notified to the registered person by the Commission for the making of complaints to it relating to children's homes.

(5) The registered person shall ensure that a written record is made of any complaint, the action taken in response, and the outcome of the investigation.

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(a) 1968 c. 67. Section 58 has been amended by section 1 of the Medicinal Products: Prescription by Nurses etc. Act 1992 (c. 28).

- (6) The registered person shall ensure that—
- (a) children accommodated in the home are enabled to make a complaint or representation; and
  - (b) no child is subject to any reprisal for making a complaint or representation.
- (7) The registered person shall supply to the Commission at its request a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken.
- (8) This regulation (apart from paragraph (6)) does not apply to any matter to which the Representations Procedure (Children) Regulations 1991(a) applies.

## CHAPTER 2

### *Staffing*

#### **Staffing of children's homes**

- 25.—(1) The registered person shall ensure that there is at all times, having regard to—
- (a) the size of the children's home, the statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there; and
  - (b) the need to safeguard and promote the health and welfare of the children accommodated in the home,
- a sufficient number of suitably qualified, competent and experienced persons working at the children's home.
- (2) The registered person shall ensure that the employment of any persons on a temporary basis at the children's home will not prevent children from receiving such continuity of care as is reasonable to meet their needs.

#### **Fitness of workers**

- 26.—(1) The registered person shall not—
- (a) employ a person to work at the children's home unless that person is fit to work at a children's home; or
  - (b) allow a person to whom paragraph (2) applies to work at the children's home unless that person is fit to work at a children's home.
- (2) This paragraph applies to any person who is employed by a person other than the registered person to work at the children's home in a position in which he may in the course of his duties have regular contact with children accommodated there.
- (3) For the purposes of paragraph (1), a person is not fit to work at a children's home unless—
- (a) he is of integrity and good character;
  - (b) he has the qualifications, skills and experience necessary for the work he is to perform;
  - (c) he is physically and mentally fit for the purposes of the work he is to perform; and
  - (d) full and satisfactory information is available in relation to him in respect of the following matters—
    - (i) except where paragraph (4) applies, each of the matters specified in paragraphs 1 to 6 of Schedule 2;
    - (ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.
- (4) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(b) has not been brought into force.

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(a) See the footnote to regulation 15(2)(d).

(b) See the footnote to regulation 6(4).

- (5) The registered person shall ensure that—
- (a) any offer of employment to a person is subject to paragraph (3)(d) being complied with in relation to that person; and
  - (b) unless paragraph (6) applies, no person starts work at a children's home until such time as paragraph (3)(d) has been complied with in relation to him.
- (6) Where the following conditions apply, the registered person may permit a person to start work at a children's home notwithstanding paragraph (5)(b)—
- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;
  - (b) full and satisfactory information in respect of that person has been obtained in relation to—
    - (i) paragraph 1 of Schedule 2; and
    - (ii) except where paragraph (4) applies, paragraph 2 of that Schedule;
    - (iii) where paragraph (4) applies, paragraph 7 of that Schedule;
  - (c) the registered person considers that the circumstances are exceptional; and
  - (d) pending receipt of, and satisfying himself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his duties.
- (6) The registered person shall take reasonable steps to ensure that any person working at the children's home who is not employed by him and to whom paragraph (2) does not apply, is appropriately supervised while carrying out his duties.

#### **Employment of staff**

- 27.—(1) The registered person shall—
- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
  - (b) provide all employees with a job description outlining their responsibilities.
- (2) The registered person shall operate a disciplinary procedure which, in particular—
- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children accommodated in the home; and
  - (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse, of a child accommodated in the home to an appropriate person is a ground on which disciplinary proceedings may be instituted.
- (3) For the purposes of paragraph (2)(b), an appropriate person is the registered person, an officer of the Commission or of the local authority in whose area the home is situated, or a police officer.
- (4) The registered person shall ensure that all persons employed by him—
- (a) receive appropriate training, supervision and appraisal; and
  - (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **CHAPTER 3**

#### *Records*

#### **Children's case records**

- 28.—(1) The registered person shall maintain in respect of each child who is accommodated in a children's home a record in permanent form which—
- (a) includes the information, documents and records specified in Schedule 3 relating to that child;
  - (b) is kept up to date; and
  - (c) is signed and dated by the author of each written entry.

(2) The record mentioned in paragraph (1) may not be disclosed to any person except in accordance with—

- (a) any provision of, or made under, or by virtue of, a statute under which access to such records is authorised; or
- (b) any court order authorising access to such records.

(3) The record mentioned in paragraph (1) shall be—

- (a) kept securely in the children's home so long as the child to whom it relates is accommodated there; and
- (b) thereafter retained in a place of security,

for at least seventy-five years from the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of fifteen years from the date of his death.

#### **Other records**

**29.**—(1) The registered person shall maintain in the children's home the records specified in Schedule 4 and ensure that they are kept up to date.

(2) The records referred to in paragraph (1) shall be retained for at least fifteen years from the date of the last entry, except for records of menus, which need be kept only for one year.

#### **Notifiable events**

**30.**—(1) If, in relation to a children's home, any of the events listed in column 1 of the table in Schedule 5 takes place, the registered person shall without delay notify the persons indicated in respect of the event in column 2 of the table.

(2) The registered person shall without delay notify the parent of any child accommodated in the home of any significant incident affecting the child's welfare unless to do so is not reasonably practicable or would place the child's welfare at risk.

(3) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

## **PART IV**

### **PREMISES**

#### **Fitness of premises**

**31.**—(1) The registered person shall not use premises for the purposes of a children's home unless they are in a location, and of a physical design and layout, which are suitable for the purpose of achieving the aims and objectives set out in the home's statement of purpose.

(2) The registered person shall ensure that all parts of the children's home used by children are—

- (a) adequately lit, heated and ventilated;
- (b) secure from unauthorised access;
- (c) suitably furnished and equipped;
- (d) of sound construction and kept in good structural repair externally and internally;
- (e) kept clean and reasonably decorated and maintained; and
- (f) equipped with what is reasonably necessary, and adapted as necessary, in order to meet the needs arising from his disability of any disabled child accommodated in the home so as to enable him to live as normal a life as possible.

(3) The registered person shall ensure that the children's home is kept free from offensive odours and make suitable arrangements for the disposal of general and clinical waste.

(4) The registered person shall ensure that there are within the children's home for use by children accommodated there in conditions of appropriate privacy—

- (a) a sufficient number of wash basins, baths and showers supplied with hot and cold running water; and



- (b) a sufficient number of lavatories,  
for the number and sex of children accommodated.
- (5) The registered person shall provide for the number and needs of children accommodated in the children's home—
- (a) sufficient and suitable kitchen equipment, crockery, cutlery and utensils;
  - (b) adequate facilities for the preparation and storage of food; and
  - (c) so far as is practicable, adequate facilities for children to prepare their own food if they so wish, and are of an age and ability, to do so.
- (6) The registered person shall ensure that there are within a children's home adequate facilities for laundering linen and clothing, and, for children wishing to do so, to wash, dry and iron their own clothes.
- (7) The registered person shall ensure that there is provided within a children's home—
- (a) adequate communal space for sitting, recreation and dining; and
  - (b) such facilities for private study as are appropriate to the age and educational needs of the children accommodated.
- (8) The registered person shall ensure that each child is provided with sleeping accommodation which is—
- (a) suitable to his needs including his need for privacy; and
  - (b) equipped with furniture, storage facilities, lighting, bedding and other furnishings including window and floor coverings suitable to his needs.
- (9) The registered person shall ensure that no child shares a bedroom with an adult, nor (except in the case of siblings) a child who is of the opposite sex or of a significantly different age to him.
- (10) The registered person shall provide for persons working at the children's home—
- (a) suitable facilities and accommodation, other than sleeping accommodation, including—
    - (i) facilities for the purpose of changing;
    - (ii) storage facilities;
  - (b) sleeping accommodation where the provision of such accommodation is needed in connection with their work at the home.

### **Fire precautions**

- 32.**—(1) The registered person shall after consultation with the fire authority—
- (a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment;
  - (b) provide adequate means of escape;
  - (c) make adequate arrangements—
    - (i) for detecting, containing and extinguishing fires;
    - (ii) for giving warnings of fires;
    - (iii) for evacuation in the event of fire;
    - (iv) for the maintenance of all fire equipment; and
    - (v) for reviewing fire precautions, and testing fire equipment, at suitable intervals;
  - (d) make arrangements for persons working at the home to receive suitable training in fire prevention; and
  - (e) ensure, by means of fire drills and practices at suitable intervals, that the persons working at the home and, so far as practicable, children accommodated there, are aware of the procedure to be followed in case of fire.
- (2) In this regulation, "fire authority" means the authority discharging in the area in which a children's home is situated, the function of fire authority under the Fire Services Act 1947(a).

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(a) c. 41.

## PART V

### MANAGEMENT OF HOMES

#### **Visits by registered provider**

**33.**—(1) Where the registered provider is an individual, but is not in day to day charge of the children's home, he shall visit the home in accordance with this regulation.

(2) Where the registered provider is an organisation or a partnership, the home shall be visited in accordance with this regulation by—

- (a) the responsible individual or one of the partners, as the case may be;
- (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
- (c) an employee of the organisation or partnership who is not directly concerned with the conduct of the home.

(3) Visits under paragraph (1) or (2) shall take place at least once a month and may be unannounced.

(4) The person carrying out the visit shall—

- (a) interview, with their consent and in private, such of the children accommodated there, their parents, relatives and persons working at the home as appears necessary in order to form an opinion of the standard of care provided in the home;
- (b) inspect the premises of the children's home, its daily log of events and records of any complaints; and
- (c) prepare a written report on the conduct of the home.

(5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to—

- (a) the Commission;
- (b) the registered manager of the children's home; and
- (c) in the case of a visit under paragraph (2)—
  - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
  - (ii) where the registered provider is a partnership, to each of the partners.

#### **Review of quality of care**

**34.**—(1) The registered person shall establish and maintain a system for—

- (a) monitoring the matters set out in Schedule 6 at appropriate intervals; and
- (b) improving the quality of care provided in the children's home.

(2) The registered person shall supply to the Commission a report in respect of any review conducted by him for the purposes of paragraph (1), and make a copy of the report available on request to children accommodated in the home, their parents and placing authorities.

(3) The system referred to in paragraph (1) shall provide for consultation with children accommodated in the home, their parents and placing authorities.

#### **Regulations and guidance**

**35.** The registered person shall ensure that a copy of these Regulations (and of any amendments to them) and of the statement of national minimum standards applicable to children's homes published by the Secretary of State under section 23(1) of the Act are kept in the home and made available on request to—

- (a) any person working in the home;
- (b) any child accommodated in the home; and
- (c) the parent of any child accommodated in the home.

**Financial position**

36.—(1) The registered provider shall carry on the children's home in such manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered person shall—

- (a) ensure that adequate accounts are maintained and kept up to date in respect of a children's home;
- (b) supply a copy of the accounts to the Commission at its request.

(3) The registered person shall provide the Commission with such information as it may require for the purpose of considering the financial viability of the children's home, including—

- (a) the annual accounts of the home certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (c) information as to the financing and financial resources of the home;
- (d) where the registered provider is a company, information as to any of its associated companies; and
- (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the home in respect of death, injury, public liability, damage or other loss.

(4) In this regulation a company is an associated company of another if one of them has control of the other or both are under the control of the same person.

**PART VI****MISCELLANEOUS****Notice of absence**

37.—(1) Where—

- (a) the registered provider, if he is the person in day to day charge of the children's home; or
- (b) the registered manager,

proposes to be absent from the home for a continuous period of 28 days or more, the registered person shall give notice in writing to the Commission of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with the Commission and the notice shall specify with respect to the proposed absence—

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the children's home;
- (d) the name, address and qualifications of the person who will be responsible for the home during the absence; and
- (e) 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 children's home during the absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence specifying the matters mentioned in subparagraphs (a) to (e) of paragraph (2).

(4) Where—

- (a) the registered provider if he is the person in day to day charge of the home; or
- (b) the registered manager,

has been absent from the children's home for a continuous period of 28 days or more, and the Commission has not been given notice of the absence, the registered person shall without delay give notice in writing to the Commission specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the Commission of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

#### **Notice of changes**

**38.** The registered person shall give notice in writing to the Commission as soon as it is practicable to do so if any of the following events take place or are proposed 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) where the registered provider is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
  - (iii) there is to be any change in the identity of the responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed, or he makes a composition or arrangement with his creditors;
- (g) where the registered provider is a company, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (h) the premises of the home are significantly altered or extended, or additional premises are acquired.

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

**39.—**(1) Any person to whom paragraph (2) applies shall—

- (a) forthwith notify the Commission of his appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the children's home in any case where there is no registered manager; and
- (c) not more than 28 days after his appointment notify the Commission of his intentions regarding the future operation of the home.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of a company or partnership which is a registered provider of a children's home;
- (b) a liquidator or provisional liquidator of a company which is the registered provider of a children's home; or
- (c) the trustee in bankruptcy of a registered provider of a children's home.

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

**40.—**(1) If more than one person is registered in respect of a children's home, and a registered person dies, the other registered person shall without delay notify the Commission of the death in writing.

(2) If only one person is registered in respect of a children's home, and he dies, his personal representatives shall notify the Commission 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 the deceased registered provider may carry on the home without being registered in respect of it—

- (a) for a period not exceeding 28 days;
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The Commission may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the Commission shall determine and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to take full-time day to day charge of the home during any period in which in accordance with paragraph (3), they carry on the children's home without being registered in respect of it.

### Offences

**41.**—(1) A contravention or failure to comply with the provisions of regulations 4 to 38 shall be an offence.

(2) The Commission shall not bring proceedings against a person in respect of any contravention or failure to comply with those regulations unless—

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice has expired; and
- (d) the person contravenes or fails to comply with any of the provisions of the regulations mentioned in the notice.

(3) Where the Commission considers that the registered person has contravened or failed to comply with any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—

- (a) in what respect in its opinion the registered person has contravened or is contravening any of the regulations, or has failed or is failing to comply with the requirements of any of the regulations;
- (b) what action, in the opinion of the Commission, the registered person should take so as to comply with any of those regulations; and
- (c) the period, not exceeding three months, within which the registered person should take action.

(4) The Commission may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulations 28(3) or 29(2) and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

### Compliance with regulations

**42.** Where there is more than one registered person in respect of a children's home, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

### Revocation

**43.** The following Regulations are revoked—

- (a) the Children's Homes Regulations 1991(a);
- (b) regulation 2 of the Children (Homes, Arrangements for Placement, Review and Representations) (Miscellaneous Amendments) Regulations 1993(b);
- (c) the Children's Homes Amendment Regulations 1994(c); and
- (d) regulation 4 of the Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997(d).

11th December 2001

*Jacqui Smith*  
Minister of State,  
Department of Health

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(a) S.I. 1991/1506.  
(b) S.I. 1993/3069.  
(c) S.I. 1994/1511.  
(d) S.I. 1997/2308.

## SCHEDULE 1

Regulation 4(1)

## MATTERS TO BE INCLUDED IN THE STATEMENT OF PURPOSE

1. A statement of the overall aims of the children's home, and the objectives to be attained with regard to children accommodated in the home.
2. A statement of the facilities and services to be provided for the children accommodated in the children's home.
3. The name and address of the registered provider, and of the registered manager if applicable.
4. The relevant qualifications and experience of the registered provider and, if applicable, the registered manager.
5. The number, relevant qualifications and experience of persons working at the children's home, and if the workers are all of one sex, a description of the means whereby the home will promote appropriate role models of both sexes.
6. The arrangements for the supervision, training and development of employees.
7. The organisational structure of the children's home.
8. The following particulars—
  - (a) the age-range, sex and numbers of children for whom it is intended that accommodation should be provided;
  - (b) whether it is intended to accommodate children who are disabled, have special needs or any other special characteristics; and
  - (c) the range of needs (other than those mentioned in sub-paragraph (b)) that the home is intended to meet.
9. Any criteria used for admission to the home, including the home's policy and procedures for emergency admissions, if the home provides for emergency admissions.
10. If the children's home provides or is intended to provide accommodation for more than six children, a description of the positive outcomes intended for children in a home of such a size, and of the home's strategy for counteracting any adverse effects arising from its size, on the children accommodated there.
11. A description of the children's home's underlying ethos and philosophy, and where this is based on any theoretical or therapeutic model, a description of that model.
12. The arrangements made to protect and promote the health of the children accommodated at the home.
13. The arrangements for the promotion of the education of the children accommodated there, including the facilities for private study.
14. The arrangements to promote children's participation in recreational, sporting and cultural activities.
15. The arrangements made for consultation with the children accommodated about the operation of the children's home.
16. The arrangements made for the control, restraint and discipline of children.
17. The arrangements made for child protection and to counter bullying.
18. The procedure for dealing with any unauthorised absence of a child from the children's home.
19. A description of any electronic or mechanical means of surveillance of children which may be used in the children's home.
20. The fire precautions and associated emergency procedures in the children's home.
21. The arrangements for the children's religious instruction and observance.
22. The arrangements for contact between a child and his parents, relatives and friends.
23. The arrangements for dealing with complaints.
24. The arrangements for dealing with reviews of placement plans.
25. The type of accommodation, including the sleeping accommodation, provided, and, where applicable, how children are to be grouped, and in what circumstances they are to share bedrooms.
26. Details of any specific therapeutic techniques used in the home, and arrangements for their supervision.
27. A description of the children's home's policy in relation to anti-discriminatory practice as respects children and children's rights.

## SCHEDULE 2

Regulations 6, 8, 26

INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO CARRY ON,  
MANAGE OR WORK AT A CHILDREN'S HOME

1. Proof of identity including a recent photograph.
2. Either—
  - (a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part II of the Care Standards Act 2000) (a), or the position falls within section 115(3) or (4) of the Police Act 1997(b), an enhanced criminal record certificate issued under section 115 of that Act; or
  - (b) in any other case, a criminal record certificate issued under section 113 of that Act,
 including, where applicable, the matters specified in section 113(3A) or (3C) or 115(6A) or (6B) of that Act(c).
3. Two written references, including a reference from the person's most recent employer, if any.
4. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.
5. Documentary evidence of any relevant qualifications.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.
7. Details of any criminal offences—
  - (a) of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(d) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(e); or
  - (b) in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.

## SCHEDULE 3

Regulation 28(1)

INFORMATION TO BE INCLUDED IN THE CASE RECORDS OF CHILDREN  
ACCOMMODATED IN CHILDREN'S HOMES

1. The child's name and any name by which the child has previously been known, other than a name used by the child prior to adoption.
2. The child's date of birth and sex.
3. The child's religious persuasion, if any.
4. A description of the child's racial origin, cultural and linguistic background.
5. The child's address immediately prior to entering the home.
6. The name, address and telephone number of the child's placing authority.

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- (a) Section 115(5)(ea) is inserted by the Care Standards Act 2000, section 104, on a date to be appointed. Sections 113 and 115, as amended, have not yet been brought into force.
- (b) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18. A position is within section 115(4) if it is of a kind specified in regulations and involves regularly caring for, training, supervising or being in sole charge of persons aged 18 or over.
- (c) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c. 14) on a date to be appointed, and amended by sections 104 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000. Sections 113(3C) and 115(6B) are added to the Police Act 1997 by section 90 of the Care Standards Act 2000 on a date to be appointed.
- (d) 1974 c. 53.
- (e) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, S.I. 1986/2268 and S.I. 2001/1192.

7. The statutory provision (if any) under which he is provided with accommodation.
8. The name, address, telephone number and the religious persuasion, if any, of the child's parents.
9. The name, address and telephone number of any social worker for the time being assigned to the child by the placing authority.
10. The date and circumstances of all absences of the child from the home, including whether the absence was authorised and any information relating to the child's whereabouts during the period of absence.
11. The date of, and reason for, any visit to the child whilst in the home.
12. A copy of any statement of special educational needs maintained in relation to the child under section 324 of the Education Act 1996(a), with details of any such needs.
13. The date and circumstances of any measures of control, restraint or discipline used on the child.
14. Any special dietary or health needs of the child.
15. The name, address and telephone number of any school or college attended by the child, and of any employer of the child.
16. Every school report received in respect of the child while accommodated in the home.
17. Arrangements for, including any restrictions on, contact between the child, his parents, and any other person.
18. A copy of any plan for the care of the child prepared by his placing authority, and of the placement plan.
19. The date and result of any review of the placing authority's plan for the care of the child, or of his placement plan.
20. The name and address of the general practitioner with whom the child is registered, and of the child's registered dental practitioner.
21. Details of any accident or serious illness involving the child while accommodated in the home.
22. Details of any immunisation, allergy, or medical examination of the child and of any medical or dental need or treatment of the child.
23. Details of any health examination or developmental test conducted with respect to the child at or in connection with his school.
24. Details of any medicines kept for the child in the home, including any medicines which the child is permitted to administer to himself, and details of the administration of any medicine to the child.
25. The dates on which any money or valuables are deposited by or on behalf of a child for safekeeping, and the dates on which any money is withdrawn, and any valuables are returned.
26. The address, and type of establishment or accommodation, to which the child goes when he ceases to be accommodated in the home.

## SCHEDULE 4

Regulation 29(1)

### OTHER RECORDS WITH RESPECT TO CHILDREN'S HOMES

1. A record in the form of a register showing in respect of each child accommodated in a children's home—
  - (a) the date of his admission to the home;
  - (b) the date on which he ceased to be accommodated there;
  - (c) his address prior to being accommodated in the home;
  - (d) his address on leaving the home;
  - (e) his placing authority;
  - (f) the statutory provision (if any) under which he is accommodated.

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(a) 1996 c. 56. Section 324 is amended by section 140(1) of, and paragraph 77 of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31), and section 9 of the Special Educational Needs and Disability Act 2001 (c. 10).



2. A record showing in respect of each person working at the home—
  - (a) his full name;
  - (b) his sex;
  - (c) his date of birth;
  - (d) his home address;
  - (e) his qualifications relevant to, and experience of, work involving children;
  - (f) whether he works at the home full-time or part-time (whether paid or not), and if part-time, the average number of hours worked per week; and
  - (g) whether he resides at the home.
3. A record of any persons who reside or work at any time at the children's home, who are not mentioned in the records kept in accordance with paragraphs 1 or 2.
4. A record of all accidents occurring in the children's home, or to children whilst accommodated by the home.
5. A record of the receipt, disposal and administration of any medicine to any child.
6. A record of every fire drill or fire alarm test conducted, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.
7. A record of all money deposited by a child for safekeeping, together with the date on which that money was withdrawn, or the date of its return.
8. A record of all valuables deposited by a child and the date of their return.
9. Records of all accounts kept in the children's home.
10. A record of menus served.
11. A copy of the staff duty roster of persons working at the children's home, and a record of the actual rosters worked.
12. A daily log of events occurring in the home.
13. A record of all visitors to the home and to children accommodated in the home, including the names of visitors and the reasons for the visit.

SCHEDULE 5

Regulation 30(1)

EVENTS AND NOTIFICATIONS

Column 1 <i>Event:</i>	Column 2 <i>To be notified to:</i>					
	Commission	Placing authority	Secretary of State	Local authority	Police	Health authority
Death of a child accommodated in the home	yes	yes	yes	yes		yes
Referral to the Secretary of State pursuant to section 2(1)(a) of the Protection of Children Act 1999(a) of an individual working at the home	yes	yes				
Serious illness or serious accident sustained by a child accommodated in the home	yes	yes				
Outbreak of any infectious disease which in the opinion of a registered medical practitioner attending children at the home is sufficiently serious to be so notified	yes	yes				yes
Allegation that a child accommodated at the home has committed a serious offence		yes			yes	
Involvement or suspected involvement of a child accommodated at the home in prostitution	yes	yes		yes	yes	
Serious incident necessitating calling the police to the home	yes	yes				
Absconding by a child accommodated at the home		yes				
Any serious complaint about the home or persons working there	yes	yes				
Instigation and outcome of any child protection enquiry involving a child accommodated at the home	yes	yes				

(a) 1999 c. 14.

**SCHEDULE 6**

Regulation 34(1)

**MATTERS TO BE MONITORED BY THE REGISTERED PERSON**

1. In respect of each child accommodated in the children's home, compliance with the placing authority's plan for the care of the child (where applicable) and the placement plan.
2. The deposit and issue of money and other valuables handed in for safekeeping.
3. Daily menus.
4. All accidents and injuries sustained in the home or by children accommodated there.
5. Any illnesses of children accommodated in the home.
6. Complaints in relation to children accommodated in the home and their outcomes.
7. Any allegations or suspicions of abuse in respect of children accommodated in the home and the outcome of any investigation.
8. Staff recruitment records and conduct of required checks for new workers in the home.
9. Visitors to the home and to children in the home.
10. Notifications of the events listed in Schedule 5.
11. Any unauthorised absence from the home of a child accommodated there.
12. The use of measures of control, restraint and discipline in respect of children accommodated in the home.
13. Risk assessments for health and safety purposes and subsequent action taken.
14. Medicines, medical treatment and first aid administered to any child accommodated in the home.
15. In the case of a qualifying school, the standards of educational provision.
16. Duty rosters of persons working at the home, and the rosters actually worked.
17. The home's daily log of events.
18. Fire drills and tests of alarms and of fire equipment.
19. Records of appraisals of employees.
20. Minutes of staff meetings.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to England only. Part I of the Act establishes, in relation to England, the National Care Standards Commission (“the Commission”) and Part II provides for the registration and inspection of establishments and agencies, including children’s homes, by the Commission. It also provides powers for regulations governing the conduct of establishments and agencies. The majority of Parts I and II of the Act (in so far as not already in force) will be brought into force on 1 April 2002.

These new arrangements replace the regulatory system in relation to children’s homes provided for by the Children Act 1989, and these Regulations supersede the Children’s Homes Regulations 1991 (as amended).

Regulation 3 excludes certain establishments from the definition of a children’s home under section 1 of the Act. These include establishments providing short-term overnight care, holidays, or other activities for less than 28 days a year in relation to any one child, and a wide range of establishments providing accommodation for those aged 16 or over, unless in either case, the establishment mainly accommodates children who are disabled or otherwise fall within section 3(2) of the Act. Further education colleges and establishments for young offenders are also excluded.

By regulation 4, each home must have a statement of purpose consisting of the matters set out in Schedule 1, and a children’s guide to the home. The home must be carried on in a manner which is consistent with the statement of purpose.

Regulations 6 to 10 make provision about the persons carrying on and managing the home, and require satisfactory information to be available in relation to the matters prescribed in Schedule 2. Where the provider is an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 6). Regulation 7 prescribes the circumstances where a manager must be appointed for the home, and regulation 9 imposes general requirements in relation to the proper conduct of the home, and the need for appropriate training.

Part III makes provision about the conduct of children’s homes, in particular, as to child protection, welfare, health, education and religious observance, arrangements for contact and visitors, the management of behaviour, and the use of surveillance devices. Provision is also made about the staffing of homes, and the fitness of workers, and about complaints, record keeping and notification of the events listed in Schedule 5.

Part IV makes provision about the suitability of premises, and the fire precautions to be taken. Part V deals with the management of children’s homes. Regulation 33 requires the registered provider to visit the home as prescribed, and regulation 34 requires the registered person to monitor the matters set out in Schedule 6 relating to the quality of care provided by the home. Regulation 36 imposes requirements relating to the home’s financial position.

Part VI deals with miscellaneous matters including the giving of notices to the Commission. Regulation 41 provides for offences. A breach of the regulations specified in regulation 41 may found an offence on the part of the registered person. However, no prosecution may be brought unless the Commission has first given the registered person a notice which sets out in what respect it is alleged he is not complying with a regulation, and what action the Commission considers it is necessary for him to take in order to comply. The notice must specify a time period for compliance, not exceeding three months.