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STATUTORY INSTRUMENTS

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**2004 No. 2071**

**The Adult Placement Schemes (England) Regulations 2004**

**PART 1**  
**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Adult Placement Schemes (England) Regulations 2004 and shall come into force on 31st August 2004.

(2) These Regulations apply in relation to adult placement schemes carried on in England only.

**Interpretation**

2. In these Regulations—

“the Act” means the Care Standards Act 2000;

“adult placement carer” means a person who, under the terms of a carer agreement entered into with a person who carries on an adult placement scheme, provides, or intends to provide, care or support (which may include accommodation in the carer’s home) for service users;

“adult placement scheme” means a scheme carried on (whether or not for profit) by a local authority or other person for the purposes of—

- (a) recruiting and training adult placement carers;
- (b) making arrangements for the placing of service users with adult placement carers; and
- (c) supporting and monitoring placements,

but does not include arrangements made by a person solely for the provision of care and support for his or her relative;

“approval panel” means the panel appointed by the provider of an adult placement scheme for the purpose of approving applications to schemes from prospective carers;

“carer agreement” shall be construed in accordance with regulation 17;

“complaints procedure” shall be construed in accordance with regulation 23;

“home”, where a person has more than one home, means the home where the person ordinarily resides;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“placement” means an arrangement whereby an adult is provided with care or support by an adult placement carer and “placed” shall be construed accordingly;

“placement agreement” shall be construed in accordance with regulation 13;

“placing authority” means a local authority or National Health Service body<sup>(1)</sup> with responsibility for commissioning social care services for service users;

“registered manager”, in relation to an adult placement scheme, means a person who is registered under Part 2 of the Act as the manager of the scheme;

“registered person”, in relation to an adult placement scheme, means any person who is the registered provider or the registered manager in respect of the scheme;

“registered provider”, in relation to an adult placement scheme, means a person who is registered under Part 2 of the Act as the person carrying on the scheme, and references to carrying on a scheme shall be construed accordingly;

“relative”, in relation to a service user means—

- (a) the service user’s spouse;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the service user, or of his spouse;
- (c) the spouse of any relative within sub-paragraph (b) of this definition;

and for the purpose of determining any such relationship a person’s step child shall be treated as his or her child, and references to “spouse” include a former spouse and a person who is living with the person as if they were husband and wife;

“responsible individual” has the meaning given to it in regulation 8(2)(c)(i) of these Regulations;

“scheme” means an adult placement scheme carried on by a registered provider;

“scheme premises” means premises where the management of the scheme is carried on;

“service user” in relation to a scheme, means an adult who may be or is placed by the scheme;

“service user’s plan” means the plan prepared in accordance with regulation 20;

“staff” in relation to a scheme, means persons, other than adult placement carers, who work for the purposes of the scheme;

“statement of purpose” means the written statement compiled in accordance with regulation 4;

“vulnerable adult” has the same meaning as in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975<sup>(2)</sup>;

“work” includes work of any kind, whether paid or unpaid, and whether under a contract or apprenticeship, under a contract for services, or otherwise than under a contract.

### **Specification of registration authority**

3. For the purposes of these Regulations, the CSCI is specified as the registration authority<sup>(3)</sup>.

### **Statement of purpose**

4.—(1) The registered provider shall compile in relation to the adult placement scheme a written statement (in these Regulations referred to as the “statement of purpose”) which shall consist of—

- (a) a statement of the aims and objectives of the scheme; and
- (b) a statement as to the matters listed in Schedule 1.

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(1) See section 121 of the Act for the definition of National Health Service body.

(2) S.I.1975/1023. The definition of “vulnerable adult” was inserted in the 1975 Order by S.I. 2002/441.

(3) See section 42(5) of the Act as inserted by section 147 of, and paragraph 25 of Schedule 9 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”). The CSCI was established by section 42 of that Act. See also section 5B of the Act, as inserted by section 104 of the 2003 Act.

(2) The registered provider shall provide a copy of the statement of purpose to the CSCI and shall make it available upon request for inspection at any reasonable time by any service user and any person acting on behalf of a service user.

(3) Nothing in this regulation, or in regulation 27, shall require or authorise the registered provider to contravene, or not to 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 provider under Part 2 of the Act.

### **Service user's guide**

5.—(1) The registered provider shall produce a written guide to the scheme (in these Regulations referred to as the “service user's guide”) which must include—

- (a) a summary of the statement of purpose;
  - (b) a statement explaining the process whereby arrangements are made for the placing of service users, including how adult placement carers are chosen to provide care or support to service users and how the placement is made;
  - (c) a statement of the range of care and support provided by adult placement carers under the scheme;
  - (d) a statement of the fee, or range of fee, payable by or in respect of service users for the provision of each type of care and support provided under the scheme including a statement of any services for which there may be an extra charge not included within the stated fee or range of fee;
  - (e) the standard terms and conditions for the provision of the care and support for service users, including the terms governing the termination of the placement and the notice period required to terminate the placement;
  - (f) a summary of the complaints procedure; and
  - (g) the address and telephone number of the registered provider and of the CSCI.
- (2) The registered provider shall—
- (a) provide a copy of the service user's guide to the CSCI; and
  - (b) provide a copy of the current service user's guide to each service user placed by the scheme or to their representative.

### **Review of statement of purpose and service user's guide**

6. The registered provider shall—
- (a) keep under review and, where appropriate, revise the statement of purpose and the service user's guide;
  - (b) notify the CSCI within 28 days of any such revision; and
  - (c) if the service user's guide is revised, supply a revised copy to each service user who is, at the time of the revision, placed by the scheme.

### **Scheme documents**

7. The registered provider shall ensure that there is a statement that he or it (as the case may be) is registered in respect of the scheme under Part 2 of the Act in all correspondence and other documents prepared in connection with the scheme's business.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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