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STATUTORY INSTRUMENTS

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**2015 No. 541**

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

**PART 4**

**Staffing**

**Fitness of workers**

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

(2) The registered person may only—

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

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

(3) The requirements are that—

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

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

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

(5) The relevant date is—

- (a) in the case of an individual who starts working in a care role in a home after 1st April 2014, the date which falls 2 years after the date on which the individual started working in a care role in a home; or
- (b) in the case of an individual who was working in a care role in a home on 1st April 2014, 1st April 2016.

(6) The registered person may defer the relevant date if the individual—

- (a) does not work, or has not worked, in a care role in a home for a prolonged period; or
- (b) works, or has worked, in a care role in a home on a part-time basis.

(7) The registered person may permit an individual to start work at the home despite the fact that the requirement in paragraph (3)(d) has not been met if—

- (a) the registered person has taken all reasonable steps to obtain full information about each of the matters in Schedule 2 in respect of the individual, but the enquiries in relation to any of the matters in paragraphs 3 to 6 of Schedule 2 are incomplete;
- (b) full and satisfactory information in respect of the individual has been obtained in relation to the matters in paragraphs 1 and 2 of Schedule 2;
- (c) the registered person considers that the circumstances are exceptional; and
- (d) the registered person ensures that the individual is appropriately supervised while carrying out the individual's duties, pending receipt of any outstanding information on the matters in paragraphs 3 to 6 of Schedule 2, which is then considered satisfactory by the registered person.

(8) The registered person must take reasonable steps to ensure that any individual who is working at the home and who does not fall within paragraph (2)(a) and (b) is appropriately supervised while carrying out the individual's duties.