



Care Standards Act 2000

2000 CHAPTER 14

PART I

INTRODUCTORY

Preliminary

1 Children's homes.

- (1) Subsections (2) to (6) have effect for the purposes of this Act.
- (2) An establishment is a children's home (subject to the following provisions of this section) if it provides care and accommodation wholly or mainly for children.
- (3) An establishment is not a children's home merely because a child is cared for and accommodated there by a parent or relative of his or by a foster parent.
- (4) An establishment [^{F1}in Wales] is not a children's home if it is—
 - (a) a health service hospital;
 - (b) an independent hospital or an independent clinic; or
 - (c) a residential family centre,or if it is of a description excepted by regulations.

[^{F2}(4A) An establishment in England is not a children's home if it is—

- (a) a hospital (within the meaning of the National Health Service Act 2006); or
- (b) a residential family centre,

or if it is of a description excepted by regulations.]

- (5) Subject to subsection (6), an establishment is not a children's home if it is a school.
- (6) A school is a children's home at any time if at that time accommodation is provided for children at the school and either—

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- (a) in each year that fell within the period of two years ending at that time, accommodation was provided for children, either at the school or under arrangements made by the proprietor of the school, for more than 295 days; or
- (b) it is intended to provide accommodation for children, either at the school or under arrangements made by the proprietor of the school, for more than 295 days in any year;

and in this subsection “year” means a period of twelve months.

But accommodation shall not for the purposes of paragraph (a) be regarded as provided to children for a number of days unless there is at least one child to whom it is provided for that number of days; and paragraph (b) shall be construed accordingly.

- (7) For the purposes of this section a person is a foster parent in relation to a child if—
- (a) he is a local authority foster parent in relation to the child;
 - (b) he is a foster parent with whom a child has been placed by a voluntary organisation under section 59(1)(a) of the 1989 Act; or
 - (c) he fosters the child privately.

Textual Amendments

- F1** Words in s. 1(4) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, [Sch. 5 para. 2\(2\)](#); S.I. 2010/807, [art. 2\(2\)](#), Sch. 1 (with arts. 3-22)
- F2** S. 1(4A) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, [Sch. 5 para. 2\(3\)](#); S.I. 2010/807, [art. 2\(2\)](#), Sch. 1 (with arts. 3-22)

Commencement Information

- I1** S. 1 wholly in force at 1.4.2002; s. 1 not in force at Royal Assent see s. 122; s. 1 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch.](#) Table; s. 1 in force for E. for certain purposes at 20.11.2001 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), 3(2)(3)(a)(i) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 1 in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), 3(2)(4)(a)(i)(5) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 1 in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\)](#), 3(2)(7)(a) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210)

2 Independent hospitals etc.

- (1) Subsections (2) to (6) apply for the purposes of this Act [^{F3}as it applies in relation to Wales].
- (2) A hospital which is not a health service hospital is an independent hospital.
- (3) “Hospital” (except in the expression health service hospital) means—
- (a) an establishment—
 - (i) the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or
 - (ii) in which (whether or not other services are also provided) any of the listed services are provided;

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(b) any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the ^{M1}Mental Health Act 1983.

(4) “Independent clinic” means an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).

But an establishment in which, or for the purposes of which, services are provided by medical practitioners in pursuance of the [^{F4}National Health Service Act 2006 or the National Health Service (Wales) Act 2006] is not an independent clinic.

(5) “Independent medical agency” means an undertaking (not being an independent clinic [^{F5}or an independent hospital]) which consists of or includes the provision of services by medical practitioners.

But if any of the services are provided for the purposes of an independent clinic, or by medical practitioners in pursuance of the [^{F4}National Health Service Act 2006 or the National Health Service (Wales) Act 2006], it is not an independent medical agency.

(6) References to a person liable to be detained under the ^{M2}Mental Health Act 1983 do not include a person absent in pursuance of leave granted under section 17 of that Act.

(7) In this section “listed services” means—

- (a) medical treatment under anaesthesia or sedation;
- (b) dental treatment under general anaesthesia;
- (c) obstetric services and, in connection with childbirth, medical services;
- (d) termination of pregnancies;
- (e) cosmetic surgery [^{F6}other than—
 - (i) ear and body piercing;
 - (ii) tattooing;
 - (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; and
 - (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current];
- (f) treatment using prescribed techniques or prescribed technology.

(8) Regulations may—

- (a) except any description of establishment from the definitions in subsections (2) to (4);
- (b) except any description of undertaking from the definition in subsection (5);
- (c) modify the definition in subsection (7).

Textual Amendments

- F3** Words in s. 2(1) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, **Sch. 5 para. 3**; S.I. 2010/807, **art. 2(2)**, Sch. 1 (with arts. 3-22)
- F4** Words in s. 2(4)(5) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 199** (with Sch. 3 Pt. 1)
- F5** Words in s. 2(5) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **ss. 106**, 199; S.I. 2004/759, art. 3(1); S.I. 2004/873, **art. 2**
- F6** Words in s. 2(7)(e) added (1.4.2002) by Private and Voluntary Health Care (Wales) Regulations 2002 (S.I. 2002/325), regs. 1(1), **3(4)** (with reg. 1(2))

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Commencement Information

- I2** S. 2 wholly in force at 1.4.2002; s. 2 not in force at Royal Assent see s. 122; s. 2 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 2 in force for E. at 20.11.2001 by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 2 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(4)(a)(i)(5) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 2 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

Marginal Citations

- M1** 1983 c. 20.
M2 1983 c. 20.

3 Care homes.

- (1) For the purposes of this Act, an establishment is a care home if it provides accommodation, together with nursing or personal care, for any of the following persons.
- (2) They are—
- persons who are or have been ill;
 - persons who have or have had a mental disorder;
 - persons who are disabled or infirm;
 - persons who are or have been dependent on alcohol or drugs.
- (3) But an establishment [^{F7}in Wales] is not a care home if it is—
- a hospital;
 - an independent clinic; or
 - a children's home,
- or if it is of a description excepted by regulations.
- [^{F8}(4) And an establishment in England is not a care home if it is—
- a hospital (within the meaning of the National Health Service Act 2006); or
 - a children's home,
- or if it is of a description excepted by regulations.]

Textual Amendments

- F7** Words in s. 3(3) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, Sch. 5 para. 4(2); S.I. 2010/807, art. 2(2), Sch. 1 (with arts. 3-22)
- F8** S. 3(4) inserted (21.7.2008 for certain purposes and 1.10.2010 otherwise) by Health and Social Care Act 2008 (c. 14), ss. 95, 170, Sch. 5 para. 4(3); S.I. 2010/807, art. 2(2), Sch. 1 (with arts. 3-22)

Commencement Information

- I3** S. 3 wholly in force at 1.4.2002; s. 3 not in force at Royal Assent see s. 122; s. 3 in force for W. at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; s. 3 in force for E. for certain purposes at 20.11.2001

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by S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(i) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 3 in force for E. for certain purposes at 1.1.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(4)(a)(i)(5) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 3 in force for E. in so far as not already in force at 1.4.2002 by S.I. 2001/3852, arts. 1(4), 3(2)(7)(a) (subject to transitional provisions in Sch. 1 and with transitional provisions in Sch. 2) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210)

4 Other basic definitions.

- (1) This section has effect for the purposes of this Act.
- (2) “Residential family centre” means, subject to subsection (6), any establishment at which—
 - (a) accommodation is provided for children and their parents;
 - (b) the parents’ capacity to respond to the children’s needs and to safeguard their welfare is monitored or assessed; and
 - (c) the parents are given such advice, guidance or counselling as is considered necessary.

In this subsection “parent”, in relation to a child, includes any person who is looking after him.
- (3) “Domiciliary care agency” means, subject to subsection (6), an undertaking which consists of or includes arranging the provision of personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
- (4) “Fostering agency” means, subject to subsection (6)—
 - (a) an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parents; or
 - (b) a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act.
- (5) “Nurses agency” means, subject to subsection (6), an employment agency or employment business, being (in either case) a business which consists of or includes supplying, or providing services for the purpose of supplying, registered nurses [^{F9}or registered midwives].
- (6) The definitions in subsections (2) to (5) do not include any description of establishment, undertaking or organisation excepted from those definitions by regulations.
- (7) “Voluntary adoption agency” means an adoption society within the meaning of the [^{F10}the Adoption and Children Act 2002] which is a voluntary organisation within the meaning of that Act.
- [^{F11}(7A) “Adoption support agency” has the meaning given by section 8 of the Adoption and Children Act 2002.]
- (8) Below in this Act—
 - [^{F12}(a) any reference to a description of establishment is a reference to—
 - (i) a children's home,

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- (ii) a children's home providing accommodation for the purpose of restricting liberty,
- (iii) an independent hospital in Wales,
- (iv) an independent hospital in Wales in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983,
- (v) an independent clinic in Wales,
- (vi) a care home in Wales, or
- (vii) a residential family centre;]
- (b) a reference to any establishment is a reference to an establishment of any of those descriptions.

[^{F13}(9) Below in this Act—

- (a) any reference to a description of agency is a reference to—
 - (i) an independent medical agency in Wales or, where the activities of an independent medical agency are carried on from two or more branches, a branch in Wales of an independent medical agency,
 - (ii) a domiciliary care agency in Wales or, where the activities of a domiciliary care agency are carried on from two or more branches, a branch in Wales of a domiciliary care agency,
 - (iii) a nurses agency in Wales or, where the activities of a nurses agency are carried on from two or more branches, a branch in Wales of a nurses agency,
 - (iv) a fostering agency or, where the activities of a fostering agency are carried on from two or more branches, a branch of a fostering agency,
 - (v) a voluntary adoption agency, or
 - (vi) an adoption support agency or, where the activities of an adoption support agency are carried on from two or more branches, a branch of an adoption support agency;
- (b) a reference to any agency is a reference to an agency or branch of any of those descriptions.]

Textual Amendments

- F9** Words in s. 4(5) substituted (1.8.2004) by [The Health Act 1999 \(Consequential Amendments\) \(Nursing and Midwifery\) Order 2004 \(S.I. 2004/1771\)](#), art. 3, **Sch. para. 2(a)**
- F10** Words in s. 4(7) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139, 148, **Sch. 3 para. 104** (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, {art. 2}
- F11** S. 4(7A) inserted (7.12.2004 for E. for certain purposes and 30.12.2005 otherwise) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 8(3)(a), 148 (with [Sch. 4 paras. 1, 6-8](#)); S.I. 2004/3203, **art. 2**; S.I. 2005/2213, {art. 3}; S.I. 2005/3112, **art. 2**
- F12** S. 4(8)(a) substituted (1.10.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, **Sch. 5 para. 5(2)**; S.I. 2010/807, **art. 2(2)**, [Sch. 1](#) (with arts. 3-22)
- F13** S. 4(9) substituted (1.10.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, **Sch. 5 para. 5(3)**; S.I. 2010/807, **art. 2(2)**, [Sch. 1](#) (with arts. 3-22)

Commencement Information

- I4** S. 4 wholly in force at 30.4.2003; s. 4 not in force at Royal Assent see s. 122; s. 4 in force for W. at 1.7.2001 by S.I. 2001/2190, **art. 2**, **Sch.** Table; s. 4 in force for E. for certain purposes at 20.11.2001 by S.I. 2001/3852, **arts. 1(4)**, 3(2)(3)(a)(i) (subject to transitional provisions in [Sch. 1](#) and with

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transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4 in force for E. for certain purposes at 1.1.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(4\)\(a\)\(i\)\(ii\)\(5\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(4) in force for E. and s. 4(1)(6)(8)(9) in force for E. for certain purposes at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(7\)\(b\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(1)(9) in force for E. for certain purposes, s. 4(2)(3)(5) in force for E. and s. 4(6)(8) in force for E. in so far as not already in force at 1.4.2003 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(8\)\(a\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); s. 4(7)(9) in force for E. for certain purposes at 25.2.2003 and otherwise in force for E. at 30.4.2003 by [S.I. 2003/365](#), [art. 3\(1\)\(3\)-\(5\)](#) (subject to [Sch.](#))

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