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STATUTORY INSTRUMENTS

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**2002 No. 3213**

**The Residential Family Centres Regulations 2002**

**PART III**

**CONDUCT OF RESIDENTIAL FAMILY CENTRES**

**Health and welfare of residents**

**10.**—(1) The registered person shall ensure that the residential family centre is conducted so as to—

- (a) promote and make proper provision for the health and welfare of residents;
- (b) make such provision for the care, treatment, education and supervision of residents as is appropriate to their age and needs.

(2) The registered person shall, so far as is practicable, ascertain and take into account the wishes and feelings of residents when making decisions concerning their health and welfare, or the manner in which they are treated.

(3) The registered person shall make suitable arrangements to ensure that the residential family centre is conducted—

- (a) in a manner which respects the privacy and dignity of residents; and
- (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of residents.

(4) In complying with this regulation, the registered person shall, wherever there is a conflict between the interests of the members of a family, treat the welfare of the child in that family as paramount.

**Further requirements as to health and welfare**

**11.**—(1) The registered person shall make arrangements for residents to have access to such medical advice or treatment as may be necessary.

(2) The registered person shall make arrangements for the recording, handling, safe keeping, safe administration and disposal of medicines received into the residential family centre.

(3) The registered person shall make suitable arrangements to prevent infection, toxic conditions and the spread of infection at the residential family centre.

(4) The registered person shall ensure that—

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

(5) The registered person shall make arrangements, by training persons working at the residential family centre or by other measures, to prevent residents being harmed or suffering abuse or being placed at risk of harm or abuse.

(6) The registered person shall ensure that no resident is subject to physical restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other resident and there are exceptional circumstances.

(7) On any occasion on which a resident is subject to physical restraint, the registered person shall record the circumstances, including the nature of the restraint.

(8) The registered person shall ensure that persons working at the residential family centre use no form of corporal punishment at any time on any child or parent under the age of 18 who is accommodated in the residential family centre.

### **Arrangements for the protection of children**

**12.**—(1) The registered person shall prepare and implement a written child protection policy which—

- (a) is intended to safeguard children accommodated in the residential family centre 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) must in particular provide for—
- (a) liaison and co-operation with any local authority which is making child protection enquiries in relation to any child accommodated in the residential family centre;
  - (b) the prompt referral to the local authority in whose area the residential family centre is situated, of any allegations of abuse or neglect affecting any child accommodated in the residential family centre;
  - (c) notification (in accordance with regulation 26) of the instigation and outcome of any child protection enquiries involving any child accommodated in the residential family centre, 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 in each case to the measures which may be necessary to protect children in the residential family centre following an allegation of abuse or neglect;
  - (f) a requirement for persons working at the residential family centre to report any concerns about the welfare or safety of any child accommodated in the residential family centre 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 residential family centre is situated;
    - or
    - (v) an officer of the National Society for the Prevention of Cruelty to Children;
  - (g) arrangements to be made for residents and persons working at the residential family centre, 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 residential family centre is situated, or the Commission, concerning the welfare or safety of children accommodated in the residential family centre.

(3) In this regulation—

- (a) “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; and
- (b) “child” also includes any parent who is under the age of 18.

(4) The registered person shall prepare and implement a written policy for the prevention of bullying in the residential family centre which includes, in particular, a procedure for dealing with an allegation of bullying.

### **Placements**

**13.**—(1) The registered person shall, before providing a family with accommodation in the residential family centre, or if that is not reasonably practicable, as soon as possible thereafter, draw up in consultation with the placing authority a written plan (in these Regulations referred to as “the placement plan”) setting out, in particular—

- (a) the facilities and services to be provided during the course of the placement;
- (b) the objectives and intended outcome of the placement.

(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—

- (a) seek and take account of the views of the members of the family;
- (b) take account of any relevant assessment or other report relating to any member of the family which may be provided by the placing authority.

(4) The registered person shall supply a copy of the placement plan and any revision of it to the placing authority and to the parent within the family to which it relates.

### **Facilities and services**

**14.**—(1) Subject to regulation 4(6), the registered person shall provide facilities and services to residents in accordance with the statement of purpose.

(2) The registered person shall having regard to the size of the residential family centre and the number and needs of residents—

- (a) provide telephone facilities which are suitable for the needs of residents, and make arrangements to enable residents to use such facilities in private;
- (b) provide in rooms occupied by families adequate furniture, bedding and other furnishings, including curtains, floor coverings, and equipment;
- (c) provide adequate laundry facilities for parents to wash, dry and iron clothes and linen for their families;
- (d) provide sufficient and suitable cleaning materials and equipment;
- (e) provide sufficient and suitable kitchen equipment, crockery, cutlery and utensils, and adequate facilities for the storage of food;
- (f) provide suitable facilities for parents to prepare food for their families, and suitable dining facilities for residents;
- (g) take adequate precautions against risk of accidents, including the training of persons working at the residential family centre in first aid;
- (h) provide a place where the money and valuables of residents may be deposited for safe keeping; and
- (i) provide adequate facilities for recreation and leisure.

### **Staffing of residential family centre**

15. The registered person shall ensure that there is, having regard to—

- (a) the statement of purpose of the residential family centre, its size and the numbers and needs of its residents; and
- (b) the need to safeguard and promote the health and welfare of residents,

a sufficient number of suitably qualified, competent and experienced persons working for the residential family centre.

### **Fitness of workers**

16.—(1) The registered person shall not—

- (a) employ a person to work at the residential family centre unless that person is fit to work at a residential family centre; or
- (b) allow a person to whom paragraph (2) applies, to work at the residential family centre unless that person is fit to work at a residential family centre.

(2) This paragraph applies to any person who is employed by a person other than the registered person in a position in which he may in the course of his duties have regular contact with residents.

(3) For the purposes of paragraph (1), a person is not fit to work at a residential family centre 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 work he is to perform; and
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

(4) 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 (5) applies, no person starts work at a residential family centre until such time as paragraph (3)(d) has been complied with in relation to him.

(5) Where the following conditions apply, the registered person may permit a person to start work at the residential family centre notwithstanding paragraph (4)(b)—

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters specified in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters specified 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 the matters specified in paragraphs 1 and 2 of Schedule 2;
- (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 residential family centre 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**

- 17.—(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 must 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 residential family centre;
  - (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 residential family centre 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—
- (a) the registered person;
  - (b) an officer of the Commission;
  - (c) a police officer;
  - (d) an officer of the local authority in whose area the residential family centre is situated; or
  - (e) an officer of the National Society for the Prevention of Cruelty to Children.
- (4) In paragraph (2), “child” also includes a parent who is under the age of 18.
- (5) 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.

## **Staff views as to conduct of residential family centre**

18. The registered person shall make arrangements to enable persons working at the residential family centre to inform the registered person and the Commission about any matter relating to the conduct of the residential family centre so far as it may affect the health or welfare of residents.

## **Records**

- 19.—(1) The registered person shall maintain in respect of each family accommodated in the residential family centre a record which—
- (a) includes the information, documents and other records specified in Schedule 3 relating to the members of the family;
  - (b) is kept up to date;
  - (c) is retained in the residential family centre so long as the family to which it relates is accommodated there; and
  - (d) is retained in a place of security for a period of fifteen years from the date of the last entry.
- (2) The record referred to in paragraph (1) shall be kept securely and 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 registered person shall also maintain the records specified in Schedule 4 in respect of the residential family centre.

(4) The registered person shall ensure that the records referred to in paragraph (3) are—

(a) kept up to date;

(b) retained in the residential family centre for a period of not less than three years from the date of the last entry.

### **Complaints**

**20.**—(1) The registered person shall establish a procedure (“the complaints procedure”) for considering complaints made to the registered person by a resident or a person acting on behalf of a resident.

(2) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(3) The registered person shall provide a written copy of the complaints procedure on request to any resident and any person acting on behalf of a resident.

(4) The written copy of the complaints procedure shall include—

(a) the name and address of the Commission; and

(b) the procedure (if any) that has been notified by the Commission to the registered person for the making of complaints to the Commission relating to residential family centres.

(5) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the action (if any) that is to be taken.

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

(7) The registered person shall supply to the Commission at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken.