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## 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 1 of the Act (as amended by the Health and Social Care (Community Health and Standards) Act 2003) provides for the registration and inspection of certain establishments and agencies by the CSCI. Part 2 of the Act also provides powers for regulations governing the conduct of establishments and agencies. Section 42 of the Act makes provision for regulations to apply Part 2 of the Act in respect of the future registration of other persons who are not covered on the face of the Act, and for the CSCI to be specified as the registration authority and these Regulations make such provision in relation to adult placement schemes. (Regulations (see the Care Standards Act 2000 (Extension of the Application of Part 2 to Adult Placement Schemes) (England) Regulations 2004) have previously been made under the power in section 42 of the Act, to provide that the regulation making powers in Part 2 of the Act shall apply, with the modifications set out in those Regulations, in respect of adult placement schemes, and that the CSCI shall be the registration authority in relation to those regulation making powers).

Regulation 3 specifies that the CSCI is the registration authority for the purposes of these Regulations.

By regulation 4, a statement of purpose must be prepared in respect of an adult placement scheme in relation to the matters set out in Schedule 1 and a service user’s guide to the scheme must be produced (regulation 5).

Regulations 8 to 12 make provision about the fitness of the persons carrying on and managing a scheme and require satisfactory information to be obtained in relation to the matters specified in Schedule 2. In the case of an organisation, it must nominate a responsible individual in respect of whom this information must be available (regulation 8). Regulation 9 prescribes the circumstances where a manager must be appointed in respect of the scheme, and regulation 10 makes provision concerning the fitness of the manager. Regulation 11 imposes general requirements in relation to the proper conduct of the scheme, and the need for appropriate training.

Part 3 of the Regulations makes provision as to the making of placements under the scheme. Regulations 13 and 14 deal with the conditions to which placement agreements must be subject and also provide for the monitoring and review of placements. Regulation 15 sets out the situations in which the provider carrying on a scheme must terminate a placement. Regulation 16 makes provision about the fitness of adult placement carers and requires satisfactory information to be obtained in relation to the matters specified in Schedule 3. Regulation 17 deals with the contents of the carer agreement, and in addition provision is made for the training of adult placement carers (regulation 18), an adult placement carer handbook (regulation 19) and the production of a service user’s plan (regulation 20).

Part 4 of the Regulations makes provision about the operation of a scheme. Provision is made as to general conduct (regulation 21), record keeping (regulation 22 and Schedule 4) and complaints (regulation 23). Provision is also made about the fitness of premises (regulation 27) and about the fitness of staff (regulation 28 and Schedule 2) and staffing (regulation 29). Regulations also deal with the financial management of the scheme (regulation 32) and the giving of notices to the CSCI (regulations 33 to 35).

Part 5 of the Regulations deals with miscellaneous matters. In particular, regulation 39 provides for offences. A breach of regulations 4 to 35 will be an offence on the part of the registered person. However, no prosecution may be brought unless the CSCI has given notice which sets out in what

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respect it is alleged the person is not complying with a regulation, and what action (if any), and by when, the CSCI considers is necessary in order to comply with the regulation.

Regulation 40 applies Part 2 of the Act (in so far as it has not already been applied and modified) to persons carrying on and managing adult placement schemes with the modifications set out in Schedule 5.

Regulation 41 and Schedule 6 amend the Care Homes Regulations 2001.

Regulation 42 and Schedule 7 amend the National Care Standards Commission (Registration) Regulations 2001.

Regulation 43 and Schedule 8 amend the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004.

Regulation 44 and Schedule 9 amend the Domiciliary Care Agencies Regulations 2002.

Regulation 45 gives effect to the transitional and savings provisions contained in Schedule 10.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department of Health's website [www.doh.gov.uk/regulatoryimpact/index.htm](http://www.doh.gov.uk/regulatoryimpact/index.htm) In addition, a copy can be obtained from Room 547, Wellington House, 133-155 Waterloo Road, London, SE1 8UG.