
STATUTORY INSTRUMENTS

2004 No. 2071

The Adult Placement Schemes (England) Regulations 2004

PART 3

ADULT PLACEMENTS AND ADULT PLACEMENT CARERS

CHAPTER 1

MAKING, MONITORING AND TERMINATION OF PLACEMENTS

Making of placements and placement agreements

13.—(1) The registered provider shall not make a placement of a service user with an adult placement carer unless the provider has entered into a written placement agreement with the carer (in these Regulations referred to as “a placement agreement”) which complies with the conditions specified in paragraph (2).

(2) The conditions are—

(a) that—

(i) the service user or, where appropriate, the service user’s representative; and

(ii) the placing authority (if any),

are parties to the placement agreement;

(b) that the placement agreement specifies the number of service users, which shall not in any event exceed 3, that the adult placement carer may have placed with him at any one time under that and any other placement agreement;

(c) that the placement agreement specifies which elements of the service user’s plan are to be met by the adult placement carer under the scheme;

(d) that the placement agreement provides that the specification described in sub-paragraph (c) may be amended as a consequence of an amendment to the service user’s plan;

(e) that the placement agreement provides that it may be amended as a consequence of a review undertaken under regulation 14;

(f) that, where possible, the placement agreement names an individual who is neither a member of staff of the scheme provider nor the adult placement carer and whose role is to support the service user in expressing his views and wishes in relation to the placement;

(g) that the placement agreement reflects the obligations of the registered person under regulation 21;

(h) that the placement agreement specifies the records to be kept by the adult placement carer in relation to the service user’s plan and requires the adult placement carer to keep those records up to date, in good order and in a secure manner, and to return them to the registered provider if the placement is terminated; and

(i) that the placement agreement specifies—

(i) details of the service user’s plan;

- (ii) the room to be occupied by the service user in the adult placement carer's home;
 - (iii) the fees payable in respect of the placement, details of who is responsible for the payment of those fees, and the method of payment;
 - (iv) the qualifications (if any) and experience of the adult placement carer;
 - (v) the terms and conditions in respect of the accommodation, care or other services to be provided;
 - (vi) suitable arrangements to assist the service user with mobility in the adult placement carer's home, where required;
 - (vii) the procedure to be followed where an adult placement carer acts as agent for, or receives money from, the service user.
- (3) The registered person shall not make a placement of a service user unless he has—
- (a) ascertained and taken into account the service user's wishes and feelings; and
 - (b) whenever practicable, provided the service user with comprehensive information and suitable choice as to the placements that may be available to the service user.
- (4) The registered person shall encourage and take suitable steps to enable service users to make decisions with respect to placements.

Monitoring and review of placements

- 14.**—(1) The registered person shall monitor a placement for the purpose of considering whether the adult placement carer is meeting his obligations under the placement agreement.
- (2) The registered person must review the placement agreement—
- (a) at least once within the first year of the placement;
 - (b) whenever a significant alteration is made to the placement plan; and
 - (c) in any event, within a year of the last review.
- (3) In monitoring and reviewing a placement, the registered person shall seek the views of the service user or, where appropriate, the service user's representative and the placing authority (if any).

Termination of placements

- 15.**—(1) Without prejudice to regulation 16(2) (fitness of adult placement carers), the registered provider shall terminate a placement in any case in which the adult placement carer is not complying, or is not reasonably likely to comply, with his obligations under the placement agreement.
- (2) Except in cases of emergency, the registered provider shall not terminate a placement without first consulting—
- (a) the service user to whom the a placement relates, or any person acting on behalf of the service user; and
 - (b) where relevant, the placing authority.