
STATUTORY INSTRUMENTS

2004 No. 615

**The Commission for Social Care Inspection
(Children's Rights Director) Regulations 2004**

Functions of the Children's Rights Director

- 3.—(1) The functions of the Children's Rights Director are—
- (a) to secure, so far as possible, that the CSCI in exercising its functions—
 - (i) safeguards and promotes the rights and welfare of children and young persons who are provided with relevant services;
 - (ii) gives proper consideration to the views of children and young persons to whom relevant services are provided and to the views of the parents of such children and young persons;
 - (b) subject to paragraph (2), to advise the CSCI as to—
 - (i) the procedure to be followed by the CSCI when considering an application for registration under section 12 of the 2000 Act in respect of a Part 2 undertaking by or in which relevant services for children are provided;
 - (ii) the methodology to be followed by the CSCI, for inspection by persons authorised by its in respect of—
 - (aa) premises used for the purposes of relevant services;
 - (bb) relevant services provided at such premises;
 - (c) to monitor and advise the CSCI about the effectiveness of the procedure and methodology mentioned in sub-paragraph (b);
 - (d) to advise the CSCI from time to time on the numbers, qualifications and experience of staff it is likely to require to discharge its functions in relation to relevant services, and to assist the CSCI in the appointment of such staff;
 - (e) to monitor action taken by the CSCI to enforce the requirements of the relevant regulations;
 - (f) to monitor action taken by the CSCI pursuant to section 81 of the 2003 Act in relation to relevant services;
 - (g) to monitor the effectiveness of measures taken by local authorities⁽¹⁾ for the purposes of safeguarding the rights and welfare of children and young persons;
 - (h) to ascertain—
 - (i) the views of children and young persons about relevant services provided to them, and
 - (ii) where appropriate, the views of their parents about those services,and to report such views to the CSCI in so far as they are relevant to the discharge by the CSCI of its functions;

(1) See section 148 of the 2003 Act for the definition of local authority.

- (i) to monitor and review the effectiveness of the arrangements made by the person providing relevant services in accordance with relevant regulations, any national minimum standards and any guidance given by a Minister of the Crown in relation to—
 - (i) dealing with complaints and representations made by or on behalf of children and young persons about such services;
 - (ii) the raising of concerns by employees of the providers of relevant services about the safety and welfare of children and young persons using such services;
 - (iii) ascertaining and responding to the views and wishes of children and young persons about the services provided to them;
 - (j) to report, to a police officer or an officer of the local authority for the area in which the service is provided or situated, any cases where he has reasonable cause to suspect that any child to whom relevant services are provided is suffering, or is likely to suffer, significant harm;
 - (k) to advise the CSCI about its procedures for dealing with complaints received from children or young persons about relevant services;
 - (l) to report to the CSCI any significant matters relating to the rights and welfare of children and young persons who are provided with relevant services;
 - (m) to discuss matters relating to the provision of relevant services with such bodies, including voluntary organisations, as appear to him to be appropriate;
 - (n) to report to the CSCI about—
 - (i) the availability of, and access to, relevant services, and
 - (ii) the quality and effectiveness of relevant services;
 - (o) to report to the CSCI on the effectiveness of the relevant regulations, of any national minimum standards and of any guidance given by a Minister of the Crown, applicable to relevant services;
 - (p) to publicise the office of the Children’s Rights Director and his functions;
 - (q) to assist the CSCI from time to time in the preparation of reports, including its annual report, in so far as they concern relevant services.
- (2) The functions set out in paragraph (1)(b) and (k) are subject to the requirements of regulations relating to the functions of the CSCI made under the 1989 Act or the 2000 Act⁽²⁾.

(2) Certain functions of the National Care Standards Commission under the 2000 Act are transferred to the CSCI by section 102(1) and (3) of the 2003 Act.