
STATUTORY INSTRUMENTS

2010 No. 2130

**The Care Standards Act 2000
(Registration)(England) Regulations 2010**

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Registration)(England) Regulations 2010 and come into force on 1st October 2010.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“applicant” means a person seeking to be registered;

“behaviour management policy” has the meaning given to it in regulation 17(2) of the Children’s Homes Regulations 2001(1);

“children’s guide” has the meaning given to it—

(a) in relation to a children’s home in regulation 4(3) (statement of purpose and children’s guide) of the Children’s Homes Regulations 2001;

(b) in relation to a fostering agency in regulation 3(3) (statement of purpose and children’s guide) of the Fostering Services Regulations 2002(2);

(c) in relation to an adoption support agency in regulation 5(4) (statement of purpose and children’s guide) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(3); and

(d) in relation to a voluntary adoption agency in regulation 24C (children’s guide) of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(4);

“CI” means Her Majesty’s Chief Inspector for Education, Children’s Services and Skills(5);

“holding company” has the meaning given to it by section 1159 of the Companies Act 2006(6);

(1) [S.I. 2001/3967](#).

(2) [S.I. 2002/57](#). Regulation 3 was amended by the Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007 ([S.I. 2007/603](#)).

(3) [S.I. 2005/2720](#).

(4) [S.I. 2003/367](#). Regulation 24C was inserted by the Voluntary Adoption Agencies (Amendment) Regulations 2005 ([S.I. 2005/3341](#)).

(5) The CI is the registration authority in relation to England under section 5 of the Care Standards Act 2000.

(6) [2006 c.46](#).

“organisation” means a body corporate or any unincorporated association other than a partnership;

“placement plan” has the meaning given to it in regulation 12 (child’s placement plan) of the Children’s Homes Regulations 2001;

“refuge” means a residential home for children who appear to be at risk of harm for which a certificate has been issued by the Secretary of State under section 51 of the Children Act 1989(7);

“registered” means registered under Part 2 of the Act;

“registered manager” means a person who is registered as the manager of an establishment or agency;

“registered person” means a person who is the registered provider or registered manager in respect of an establishment or agency;

“registered provider” means a person who is registered as a person carrying on an establishment or agency;

“registration” means registration under Part 2 of the Act;

“relative”, in relation to any person, means—

- (a) the person’s spouse or civil partner;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the person or the person’s spouse or civil partner;
- (c) the spouse or civil partner of any relative within paragraph (b) of this definition,

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, and references to “spouse or civil partner” in relation to any person include a former spouse or civil partner and a person who is living with the person as husband and wife or as if they were civil partners;

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment or agency, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“resident’s guide” has the meaning given to it in regulation 4 (statement of purpose and resident’s guide) of the Residential Family Centres Regulations 2002(8);

“responsible individual” means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency;

“responsible person” means—

- (a) where the applicant is an individual—
 - (i) the applicant; and
 - (ii) if the applicant carries on or intends to carry on the establishment or agency in partnership with others, each partner of his;
- (b) where the applicant is a partnership, each member of the partnership;
- (c) where the applicant is an organisation, the responsible individual;

“service user” means any person who is to be provided with accommodation or services in an establishment, or by an agency;

“statement of purpose” means—

(7) 1989 c.41. Section 51 was amended by the Children (Scotland) Act 1995 (c.36) and the Care Standards Act 2000.
 (8) S.I. 2002/3213. Regulation 4 was amended by the Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007 (S.I. 2007/603).

- (a) in relation to a children’s home, the written statement required in relation to the children’s home in accordance with regulation 4(1) of the Children’s Homes Regulations 2001;
- (b) in relation to a residential family centre, the written statement required in relation to the residential family centre in accordance with regulation 4(1) of the Residential Family Centres Regulations 2002;
- (c) in relation to a fostering agency, the written statement required in relation to the fostering agency in accordance with regulation 3(1) of the Fostering Services Regulations 2002;
- (d) in relation to a voluntary adoption agency, the written statement required in relation to the voluntary adoption agency in accordance with regulation 3(1) of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003;
- (e) in relation to an adoption support agency, the written statement required in relation to the adoption support agency in accordance with regulation 5(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005;

“subsidiary” has the meaning given to it by section 1159 of the Companies Act 2006.

(2) In these Regulations, references to an establishment or agency are to be construed as references—

- (a) in the case of an applicant, to the establishment or agency in respect of which the applicant is seeking to be registered;
- (b) in the case of a registered person, to the establishment or agency in respect of which the applicant is registered.

(3) In these Regulations the terms “employed” and “employment” include employment under a contract of service or a contract for services, or otherwise than under a contract and whether or not for payment.

PART 2

Applications for Registration

Information and documents to be provided by an applicant

3.—(1) An application for registration shall—

- (a) be in writing on a form approved by the CI;
- (b) be sent or delivered to the CI;
- (c) be accompanied by a recent photograph of the responsible person, of whom the photograph shall be a true likeness;
- (d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).

(2) Subject to paragraph (5), a person who is seeking to be registered as a person who carries on an establishment or agency shall provide to the CI—

- (a) full information in respect of the matters set out in Parts 1 and 2 of Schedule 1 and if the CI so requests full information in respect of the matters set out in Part 3 of that Schedule; and
- (b) the documents listed in Schedule 2.

(3) Subject to paragraph (5), a person who is seeking to be registered as a manager in respect of an establishment or agency shall provide to the CI—

- (a) full information in respect of each of the matters set out in Part 1 of Schedule 3; and

(b) the documents listed in Part 2 of that Schedule.

(4) Subject to paragraph (5), a person who is seeking to be registered in respect of a children's home shall provide to the CI full information in respect of each of the matters set out in Schedule 4.

(5) Where a person has already provided full information in respect of any matter in relation to an earlier application for registration and that information has not changed, the person must inform the CI of that fact and does not have to provide the information in respect of that matter.

(6) The applicant shall provide to the CI any other information or documents that the CI may reasonably require in relation to the application for registration.

Interview

4. The responsible person shall, if the CI so requests, attend an interview for the purpose of enabling the CI to determine whether the applicant is fit to carry on or manage the establishment or agency in respect of which the applicant seeks to be registered.

Notice of changes

5. The applicant shall give notice to the CI of any changes to the information or documents provided under this Part which occur after the application for registration is made and before it is determined.

Information as to staff engaged after application made

6. Where an applicant applies for registration as a person who carries on an establishment or agency and, before the application is determined, engages a person to work at the establishment or for the purposes of the agency, the applicant shall, in respect of each person so engaged—

- (a) obtain the information specified in Part 3 of Schedule 1 and the documents listed in paragraph 9 of Schedule 2; and
- (b) provide to the CI, if the CI so requests, any of the information or documents which the applicant is required to obtain under sub-paragraph (a).

PART 3

Registers and Certificates of Registration

Registers

7.—(1) The CI shall keep a register in respect of the following establishments and agencies—

- (a) children's homes;
- (b) residential family centres;
- (c) fostering agencies;
- (d) voluntary adoption agencies; and
- (e) adoption support agencies.

(2) Each register shall contain, in relation to each establishment or agency in respect of which a person is registered under the Act, the particulars specified in Schedule 5.

(3) The register may be kept in electronic form, provided that the information so recorded is capable of being reproduced in a legible form.

(4) When the register in respect of an establishment or agency other than a children's home is being made available for inspection or a copy of, or extract from, that register is being provided under section 36(1) or (2) of the Act to a person other than a local authority, none of the particulars listed in paragraphs 1, 2 and 10 of Schedule 5 shall be provided.

(5) When the register in respect of a children's home is being made available for inspection or a copy of, or extract from, that register is being provided under section 36(1) or (2) of the Act to any person other than a local authority, none of the information in paragraphs 1, 2, 3 or 10 of Schedule 5 shall be provided and any inspection report in that register shall not contain the name and address of the children's home or any other information by which the children's home could be identified.

Contents of certificate

- 8.** A certificate of registration issued by the CI shall contain the following particulars—
- (a) the name, address and telephone number of the CI;
 - (b) the name and address of the registered provider;
 - (c) where the person is an organisation, the name of the responsible individual;
 - (d) the name of the registered manager;
 - (e) the description of the establishment or agency by reference to a description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act;
 - (f) where the registration is subject to any condition, details of the condition;
 - (g) the date of registration;
 - (h) a statement, that if an establishment or agency is not carried on in accordance with the relevant requirements and any conditions, the registration is liable to be cancelled by the CI;
 - (i) a statement that the certificate relates only to the person to whom it is issued by the CI and is not capable of being transferred to another person;
 - (j) in the case of a voluntary adoption agency or adoption support agency, the address of the principal office and any branch of the agency;
 - (k) in the case of a fostering agency, the address of any branch of the agency.

Return of certificate

9. If the registration of a person in respect of an establishment or agency is cancelled, that person shall, not later than the day on which the decision or order cancelling the registration takes effect, return the certificate of registration to the CI by—

- (a) delivering it to the CI; or
- (b) sending it to the CI by registered post or recorded delivery.

PART 4

Conditions and Reports

Application for variation or removal of a condition

10.—(1) In this regulation—

“application” means an application by the registered person under section 15(1)(a) of the Act for the variation or removal of a condition in relation to that person's registration; and

“proposed effective date” means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

- (2) An application shall be—
- (a) made in writing on a form approved by the CI;
 - (b) sent or delivered to the CI not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with the CI; and
 - (c) accompanied by the information specified in paragraph (3).
- (3) The following information is specified—
- (a) the proposed effective date;
 - (b) the registered person’s reasons for making the application;
 - (c) details of changes that the registered person proposes to make in relation to the establishment or agency as a consequence of the variation or removal applied for, including details of—
 - (i) proposed structural changes to the premises that are used as an establishment or for the purposes of an agency;
 - (ii) additional staff, facilities or equipment, or changes in management that are required to ensure that the proposed changes are carried into effect; and
 - (iii) any changes to the information listed in Part 2 of Schedule 1;
 - (d) where the application is in respect of a children’s home, details of any changes to the information listed in Schedule 4 that the registered person proposes to make as a consequence of the variation or removal applied for.
- (4) The registered person shall provide the CI with any other documents or information that the CI may reasonably require in relation to the application.

Report as to financial viability

11. If it appears to the registered person that the establishment or agency is likely to cease to be financially viable at any time within the next following six months, the registered person shall give a report to the CI of the relevant circumstances.

PART 5

Cancellation of Registration

Cancellation of registration

12. The following grounds are specified for the purposes of section 14(1)(d) of the Act as grounds on which the CI may cancel the registration of a person in respect of an establishment or agency—

- (a) that the person has failed to pay, at the time prescribed under section 16(3) of the Act, the annual fee payable by virtue of that subsection;
- (b) that the person has in relation to any application—
 - (i) for registration; or
 - (ii) for the variation or removal of a condition in relation to the applicant’s registration,

made a statement which is false or misleading in any material respect or provided false information; or

- (c) that the establishment or agency has ceased to be financially viable, or is likely to cease to be so within the next six months.

Application for cancellation of registration

13.—(1) In this regulation—

“application for cancellation” means an application by the registered person under section 15(1)(b) of the Act for the cancellation of that person’s registration;

“notice of application for cancellation” means a notice by the registered person stating that the registered person has made, or intends to make, an application for cancellation; and

“proposed effective date” means the date requested by the registered person as the date on which the cancellation applied for is to take effect.

(2) An application for cancellation shall be—

- (a) in writing on a form approved by the CI;
- (b) sent or delivered to the CI not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with the CI; and
- (c) accompanied by the information specified in paragraph (4).

(3) If the registered person makes an application for cancellation the registered person shall, not more than seven days thereafter, give notice of the application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom the registered person has given such notice within three months before making the application for cancellation.

(4) The following information is specified—

- (a) the proposed effective date;
- (b) a statement as to the arrangements (if any) that have been made by the registered person to ensure that on and after—
 - (i) the date of application for cancellation; and
 - (ii) the proposed effective date,

service users will continue to be provided with similar accommodation (if any) and services as those provided to them in the establishment or by the agency at the date on which the application for cancellation is made;

- (c) the registered person’s reasons for making the application for cancellation;
- (d) particulars of any notice of application for cancellation that has been given to any of the following persons—
 - (i) service users;
 - (ii) persons who appear to the registered person to be representatives of service users; and
 - (iii) the local authority in whose area the establishment or the premises used by the agency are situated;
- (e) where the registered person has not given notice of an application for cancellation to—
 - (i) each service user;
 - (ii) in respect of each service user, a person who appears to the registered person to be a representative of that service user; and
 - (iii) the local authority,

a statement as to whether there were any circumstances which prevented the registered person from giving, or made it impracticable for that person to give, notice of an application for cancellation to

any of the persons or bodies referred to in heads (i) to (iii) of this sub-paragraph before the date on which the registered person applied for cancellation;

(f) where the registered person has applied for cancellation less than three months before the proposed effective date, a report as to whether the establishment or agency has ceased, or is likely to cease within the next following twelve months, to be financially viable.

(5) The registered person shall provide the CI with any other information or any documents that it may reasonably require in relation to the registered person's application for cancellation.

PART 6

Electronic Transmission

Electronic transmission

14. Any document or information required to be sent or delivered to the CI under these Regulations, apart from under regulation 9, may be sent or delivered by transmitting the document or the information by any means of electronic communication to an electronic address, being an address which the CI has provided as an address for the purposes of receiving such documents and information.

PART 7

Revocations and Transitional Provision

Revocations and transitional provision

15. The National Care Standards Commission (Registration) Regulations 2001 (the "2001 Regulations")(9) and the National Care Standards Commission (Registration)(Amendment) Regulations 2003(10) are revoked.

16. Where an application for registration, for cancellation or for the variation or removal of a condition is made but not determined before the coming into force of these Regulations, the application will be considered as if the 2001 Regulations were still in force, and the registered person shall provide to the CI any other information or documents that the CI may require.

24th August 2010

Tim Loughton
Parliamentary Under Secretary of State
Department for Education

(9) S.I. 2001/3969.

(10) S.I. 2003/369.