
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which are made under the Care Standards Act 2000 (“the Act”) amend the Children’s Homes Regulations 2001 (“the Principal Regulations”).

Amendments are made to regulations 2, 3, 20 and 21 of the Principal Regulations to update a number of outdated references.

Regulation 5 makes a number of amendments to replace references to “the Commission” with a reference to “HMCI” defined in regulation 3 as Her Majesty’s Chief Inspector of Education, Children’s Services and Skills who is now the registration authority for children’s homes.

Regulation 6 amends regulation 12 of the Principal Regulations (child’s placement plan) so that the regulation does not apply to any child being looked after by a local authority and to reflect the provisions in the Placement of Children by Voluntary Organisations and Others (England) Regulations 2011.

Regulation 7 inserts regulation 12A into the Principal Regulations to provide that, in the case of a child that is looked after by a local authority, the registered provider is under a duty to co-operate with the child’s placing authority in agreeing and signing the plan for the child’s placement prepared in accordance with the provisions in regulation 9 of the Care Planning, Placement and Case Review (England) Regulations 2010.

Regulation 9 substitutes regulations 17, 17A and 17B for regulation 17 of the Principal Regulations (behaviour management, discipline and restraint). Regulation 17A provides that measures of restraint should only be used to prevent injury to any person (including the child being restrained) and serious damage to property and only where no alternative method of preventing that injury or damage is available. The regulation also provides that restraint can be used in a secure children’s home to prevent a child absconding from the home. The regulation also sets out that the use of a measure of restraint must be proportionate and that no more force than is necessary should be used.

Regulation 11 amends regulation 20 of the Principal Regulations (health needs of children) to provide that the registered person shall promote the physical, emotional and mental health of the children accommodated in the home.

Regulation 13 amends regulation 22 of the Principal Regulations (use of surveillance) to provide that certain criteria set out for the use of electronic and mechanical surveillance devices do not apply in secure children’s homes.

Regulation 17 amends regulation 31 of the Principal Regulations (fitness of premises) to omit unnecessary regulation and set out the registered persons duties with regards to the premises and accommodation.

Regulation 21 omits regulation 41 of the Principal Regulations (offences) with the effect that it is no longer an offence to contravene or fail to comply with those Regulations. This offence provision is no longer needed as HMCI are able to serve a notice on the registered provider or manager of an establishment or agency under section 22A of the Act when they are failing to comply with the Principal Regulations.

Regulation 22 inserts regulation 42A into the Principal Regulations (application of these regulations with modifications to short breaks) to provide that where the child is not in the care of the local authority and is being placed in the home as part of a series of short term placements certain regulations do not apply to that child.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Further amendments are made to the Principal Regulations to update wording in line with current practice and procedure and to omit unnecessary regulation.

An impact assessment has not been prepared for this instrument as impacts on business, charities, voluntary bodies and the public sector will be minimal.