

2013 No. 499

CHILDREN AND YOUNG PERSONS, ENGLAND

SOCIAL CARE, ENGLAND

The Residential Family Centres (Amendment) Regulations 2013

Made - - - - *6th March 2013*

Laid before Parliament *11th March 2013*

Coming into force - - *1st April 2013*

The Secretary of State for Education, in exercise of the powers conferred by sections 4(6), 22(1), 22(2)(b) to (d), (f) and (h), 22(5)(a), 22(7)(a), (c) and (j), 25(1) and 118(5) to (7) of the Care Standards Act 2000^(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Residential Family Centres (Amendment) Regulations 2013 and come into force on 1st April 2013.

Amendment to the Residential Family Centres Regulations 2002

2. The Residential Family Centres Regulations 2002^(b) are amended as follows.

Substitution of “general medical practitioner” for “general practitioner”

3.—(1) In regulation 2 (interpretation) for the definition of “general practitioner”^(c) substitute the following definition—

““general medical practitioner” means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983^(d)”.

(2) In paragraph 5 of Schedule 3 for “general practitioner” substitute “general medical practitioner”.

(3) In paragraph 2(e) of Schedule 4 omit “general practitioner and”.

(4) After paragraph 2(e) insert—

(a) 2000 c.14. See section 121 for the definition of “regulations”.

(b) S.I. 2002/3213, amended by S.I. 2004/664, 2004/865, 2004/3168, 2005/1541, 2007/613, 2009/1895.

(c) The definition of “general practitioner” in regulation 2 was substituted by S.I. 2004/865.

(d) 1983 c.54. Section 34C was inserted by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234).

“(ea) The name of the general medical practitioner with whom any member of the family is registered and the address of the premises at which the primary medical services are usually provided.”.

Amendment to regulation 3

4. At the end of regulation 3(b) (excepted establishments) after “refuge”—

(a) delete “or”; and

(b) insert—

“(ba) the main purpose of the establishment is to provide accommodation together with other services or facilities for families, and the fact that the parents’ capacity to respond to their children’s needs and to safeguard their welfare is monitored or assessed, is incidental to the main purpose of the establishment; or”.

Amendment to regulation 4

5. In regulation 4 (statement of purpose and resident’s guide) for paragraph (3)(a) substitute—

“(3) The registered person shall produce a written guide to the residential family centre (“the resident’s guide”) which shall include:

(a) a summary of the statement of purpose;

(b) a summary of the complaints procedure established under regulation 20;

(c) the address and telephone number of the Chief Inspector; and

(d) the address and telephone number of the Children’s Rights Director**(b)**.

(3A) The registered person shall supply a copy of the resident’s guide to:

(a) the Chief Inspector;

(b) each parent accommodated in the residential family centre; and

(c) each person in respect of whom accommodation in the centre is being considered.”

Amendment to regulation 10

6. In regulation 10 (health and welfare of residents) in paragraph (1)(a) after “health” insert “(including physical, mental and emotional health)”.

Amendment to regulation 13

7. In regulation 13 (placements) after paragraph (1)(b) insert—

“(c) an assessment of the risks, if any, which a resident at the residential family centre may present to their own health, safety and welfare or that of other residents or staff at the centre.”.

Assessment

8. After regulation 13 (placements) insert—

“13A. Assessments

(1) The registered person must ensure that the parents’ capacity to respond to the children’s needs and to safeguard their welfare is monitored or assessed by a suitably qualified person in accordance with the requirements of this regulation.

(a) Regulation 4(3) was amended by S.I. 2007/603.

(b) The Children’s Rights Director is appointed under section 120 of the Education and Inspections Act 2006 (c.40).

(2) All assessment or monitoring of parents' capacity to respond to the children's needs and to safeguard their welfare must be carried out in accordance with appropriate and generally recognised methods for such assessment and, in particular, having due regard to guidance issued by the Secretary of State relating to the assessment of children in need^(a) and their parents under section 7(1) of the Local Authority Social Services Act 1970^(b).

(3) The methods of assessment or monitoring must be capable of evaluating the parents' capacity to change.

(4) The registered person must ensure that conclusions or recommendations are made as a result of the assessment or monitoring and that—

- (a) such conclusions or recommendations are objective and based on verifiable evidence; and
- (b) the evidence on which they are based is capable of being presented in a manner that is clear, accessible and appropriate to the persons who will need to consider them.”.

Amendment to regulation 14

9. In regulation 14 (facilities and services)—

- (a) omit paragraph 2(b) to (f);
- (b) after paragraph (2)(i) insert—
 - “(j) The registered person shall provide suitable washing, cleaning, kitchen and laundry facilities for use by residents accommodated in the home.
 - (k) The registered person shall ensure the residential family centre is suitably furnished with adequate living, storage and communal space to—
 - (i) meet the needs of the residents; and
 - (ii) achieve the aims and objectives set out in the statement of purpose.”.

Amendment to regulation 19

10. In regulation 19 (records) after paragraph (4) insert—

“(5) The records mentioned in paragraphs (1) and (3) may be kept in electronic form, provided the information so recorded is capable of being reproduced in a legible form.”.

Amendment to regulation 20

11. At the end of regulation 20(c) (complaints) insert—

“(8) The procedure mentioned in paragraph (1) and any written record made under paragraph (6) may be kept in electronic form, provided the information so recorded is capable of being reproduced in a legible form.”.

Amendment to regulation 21

12. In regulation 21 (fitness of premises) omit paragraph (2)(k).

Use of surveillance

13. After regulation 21 (fitness of premises) insert—

“**21A. Use of surveillance**

(a) See section 17(10) of the Children Act 1989 (c.41).
(b) 1970 c.42.
(c) Regulation 20 was amended by S.I. 2007/603.

(1) Subject to paragraph (6) and any requirements for electronic monitoring imposed by a court under any enactment, the registered person must ensure that electronic or mechanical monitoring devices for the surveillance of residents are not used in a residential family centre, except for the purpose of—

- (a) safeguarding their welfare, or that of other residents accommodated in the centre; or
- (b) assessment or monitoring carried out under regulation 13A.

(2) The registered person must ensure that any use of such devices is subject to the following conditions:

- (a) the residents are informed in advance of the intention to use the device; and
- (b) its use is no more intrusive than necessary.

(3) Where the use of such devices is used for the purpose at paragraph (1)(b), the registered person must also ensure that—

- (a) the resident being assessed or monitored consents to the use of the device in question; and
- (b) its use is provided for in the placement plan.

(4) The registered person must ensure that staff at the residential family centre are appropriately trained and understand the requirements imposed by this regulation before they use any such devices.

(5) Paragraphs (1)(c) and (d), and (2) of regulation 19 apply to any information or material obtained by means described in paragraph (1) as they do to any other record under that regulation.

(6) This regulation does not apply to monitoring devices commonly used by parents to monitor their children's safety.”.

Amendment to regulation 22

14. In regulation 22 (fire precautions) omit paragraph (1)(c)(a).

Amendment to regulation 23

15. In regulation 23 (review of quality of care) after paragraph (1) insert—

“(1A) The system referred to in paragraph (1) must provide for adequate consideration of matters raised under regulation 18 by persons working at the residential family centre.”.

Amendment to regulation 25

16. In regulation 25 (visits by registered provider) omit the words “, its daily log of events” in paragraph (4)(b).

Amendment to regulation 31

17. Omit regulation 31(b) (offences).

Amendment to Schedule 1

18. In Schedule 1 (information to be included in the statement of purpose)—

- (a) for paragraph 2 substitute—

(a) Regulation 22(1) was amended by S.I. 2004/3168 and S.I. 2005/1541.

(b) Regulation 31 was amended by S.I. 2007/603.

“2. A statement of the services, including details of the types of assessment, monitoring or therapeutic techniques to be used in the centre and of the arrangements for their supervision.”;

- (b) omit paragraph 10;
- (c) after paragraph 18 insert—

“19. A description of any electronic or mechanical devices for the surveillance of residents which may be used in the centre.”.

Amendment to Schedule 3

19. In Schedule 3 (information to be included in case records) after paragraph 13 insert—

“13A. A copy of any relevant information, conclusion or recommendation resulting from the assessment or monitoring carried out under regulation 13A.”.

Amendment to Schedule 4

20. In Schedule 4 (other records with respect to residential family centres) omit paragraph 6.

6th March 2013

Edward Timpson
Parliamentary Under Secretary of State
Department for Education

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 Residential Family Centres Regulations 2002 (S.I. 2002/3213) (“the Principal Regulations”).

Regulation 3 amends the references to a “general practitioner” in the Principal Regulations.

Regulation 4 amends regulation 3 of the Principal Regulations (excepted establishments) in order to clarify that an establishment which provides accommodation and services to families but whose principal purpose is not the assessment or monitoring of parenting capacity is not a residential family centre.

Regulation 5 amends regulation 4 of the Principal Regulations (statement of purpose and resident’s guide) in two ways. It prescribes the information which registered persons must include in the centre’s resident’s guide and it provides that the guide must also be supplied to persons who are not residents but in respect of whom accommodation in the centre is being considered.

Regulation 6 amends regulation 10 of the Principal Regulations (health and welfare of residents) to clarify that registered persons must ensure that the centre is conducted in a way which promotes and makes provision for the physical, mental and emotional health of the residents.

Regulation 7 amends regulation 13 of the Principal Regulations (placements) to ensure that the placement plan which centres draw up includes an assessment of the risks which a resident may present.

Regulation 8 inserts new regulation 13A (assessments) in the Principal Regulations. Regulation 13A requires centres to ensure that assessments or monitoring of parenting capacity are carried out by suitably qualified persons and in accordance with appropriate and generally recognised methods of assessment. Conclusions or recommendations must be made as a result of the

assessment and they must be objective and accessible to the persons who will need to consider them.

Regulations 9, 12 and 14 amend, respectively, regulations 14 (facilities and services), 21 (fitness of premises) and 22 (fire precautions) of the Principal Regulations to omit unnecessary regulation and set out the registered person's duties with regards to the premises and accommodation.

Regulations 10 and 11 amend, respectively, regulations 19 (records) and 20 (complaints) of the Principal Regulations to clarify that records maintained in the centre, including records made in relation to the centre's complaints procedure, may be kept in electronic form.

Regulation 13 inserts new regulation 21A (use of surveillance) in the Principal Regulations. Regulation 21A provides that monitoring devices must only be used in the centre for the purpose of safeguarding the residents' welfare or for the assessment or monitoring of parenting capacity. The use of monitoring devices must be no more intrusive than necessary and residents must be informed in advance of the intention to use them. If the devices are to be used for the purpose of assessing a resident's parenting capacity, the resident being assessed must consent to their use and it must be provided for in the placement plan.

Regulation 15 amends regulation 23 of the Principal Regulations (review of quality of care) in order to require the centre's system for reviewing and improving care to take into account the views of the persons working at the centre about matters relating to the conduct of the centre.

Regulation 16 amends regulation 25 of the Principal Regulations (visits by registered provider) to remove the requirement for the registered provider to inspect the centre's daily log of events during the provider's visit to the centre.

Regulation 17 omits regulation 31 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 18 amends Schedule 1 to the Principal Regulations (information to be included in the statement of purpose) to ensure that the centre's statement of purpose includes details of the types of assessment or monitoring which will be used in the centre and a description of any electronic or mechanical means of surveillance.

Regulation 19 amends Schedule 3 to the Principal Regulations (information to be included in case records) to require information resulting from the assessment or monitoring of parenting capacity to be included in the centre's case records.

Regulation 20 amends Schedule 4 to the Principal Regulations (other records with respect to residential family centres) in order to omit the requirement to maintain a daily log of events at the centre.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Impact Assessment Library at www.ialibrary.bis.gov.uk/search/.

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STATUTORY INSTRUMENTS

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