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STATUTORY INSTRUMENTS

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**2015 No. 541**

**The Children's Homes (England) Regulations 2015**

**PART 3**

**Registered persons**

**Fitness of registered provider**

**26.**—(1) An individual may only carry on a children's home if the individual satisfies the requirements in paragraph (5).

(2) An individual may only carry on a home with another individual or other individuals, otherwise than in a partnership, if that individual and each other individual satisfies the requirements in paragraph (5).

(3) A partnership may only carry on a home if each partner satisfies the requirements in paragraph (5).

(4) An organisation may only carry on a home if—

- (i) each director of the organisation, except for a director who is the responsible individual, who is involved in the carrying on of a home by that organisation satisfies the requirements in paragraph (6); and
- (ii) the organisation has notified HMCI of the name, address and position in the organisation of the responsible individual.

(5) The requirements are that—

- (a) the individual is of integrity and good character;
- (b) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 2;
- (c) the individual is mentally and physically fit to carry on the home; and
- (d) the individual is financially fit to carry on the home.

(6) The requirements are that—

- (a) the individual is of integrity and good character; and
- (b) full and satisfactory information is available in relation to the individual in respect of the matters in paragraphs 1 and 3 to 6 of Schedule 2.

(7) A responsible individual must—

- (a) satisfy the requirements in paragraph (5)(a) to (c); and
- (b) have the capacity, experience and skills to supervise the management of the home, or the homes, in respect of which the responsible individual is nominated.

(8) An individual is not financially fit to carry on a home—

- (a) if the individual—

- (i) has been adjudged bankrupt, sequestration of the individual's estate has been awarded or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986<sup>(1)</sup>) applies in relation to the individual; and
  - (ii) has not been discharged from the bankruptcy or the sequestration and the bankruptcy order has not been annulled or rescinded; or
- (b) if the individual has made a composition or arrangement with the individual's creditors and the individual has not been discharged in respect of the composition or arrangement.
- (9) For the purposes of this regulation, "director" includes any individual who performs the functions of, or functions equivalent or similar to the functions of, a director, by whatever name called.

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(1) [1986 c.45](#). Section 251A of the Insolvency Act 1986 was inserted by Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 (c.15).