

2022 No. 808

CHILDREN AND YOUNG PERSONS, ENGLAND
SOCIAL CARE, ENGLAND

**The Care Standards Act 2000 (Extension of the Application of
Part 2 to Supported Accommodation) (England) Regulations
2022**

<i>Made</i>	- - - -	<i>14th July 2022</i>
<i>Laid before Parliament</i>		<i>18th July 2022</i>
<i>Coming into force</i>		<i>8th August 2022</i>

The Secretary of State makes the following Regulations in exercise of the power conferred by section 42(1) of the Care Standards Act 2000(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022 and come into force on 8th August 2022.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the Act” means the Care Standards Act 2000;

“supported accommodation” means accommodation in England in which a child is accommodated pursuant to section 22C(6)(d) or 23B(8)(b) of the Children Act 1989(b) but does not include accommodation used for the purposes of—

(a) a care home(c),

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- (a) 2000 c. 14. The powers are conferred upon the “appropriate Minister” who is defined in section 121(1), in relation to England, as the Secretary of State. See section 121(1) also for the definitions of “prescribed” and “regulations”. Section 42(1) was amended by paragraph 28(2) of Schedule 5 to the Health and Social Care Act 2008 (c. 14).
- (b) 1989 c. 41. Section 22C was substituted by section 8(1) of the Children and Young Persons Act 2008 (c. 23). Section 23B was inserted by section 2(4) of the Children (Leaving Care) Act 2000 (c. 35). There are amendments to sections 22C and 23B which are not relevant to these Regulations. See S.I. 2010/959, regulation 27, for the general duties of the local authority when placing a child in accommodation in accordance with section 22C(6)(d). See S.I. 2010/2571, regulation 9, for the meaning of “suitable accommodation” under section 23B(8)(b).
- (c) See section 3 of the Act for the definition of “care home”. Section 3 was amended in relation to England by paragraph 4(3) of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

- (b) an institution within the further education sector, as defined by section 91(3) of the Further and Higher Education Act 1992(a),
 - (c) a 16 to 19 Academy, as defined by section 1B of the Academies Act 2010(b),
 - (d) a hospital, as defined by section 275(1) of the National Health Service Act 2006(c),
 - (e) a residential family centre(d),
 - (f) a school(e) providing accommodation that is not registered as a children’s home(f), or
 - (g) a holiday scheme for disabled children, as defined by regulation 2(1) of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013(g);
- “supported accommodation undertaking” means an undertaking which consists of or includes arranging the provision of supported accommodation.

Application of Part 2 of the Act to persons carrying on or managing supported accommodation undertakings

3.—(1) A person who carries on or manages a supported accommodation undertaking (whether or not for profit) is prescribed for the purposes of section 42(1) of the Act.

(2) The following provisions of Part 2 of the Act apply to persons prescribed by paragraph (1) and, where relevant, with the modifications specified in the Schedule—

- (a) section 11(4) (requirement to register)(h);
- (b) section 12(2)(a) (applications for registration);
- (c) section 14(1)(d) (cancellation of registration);
- (d) section 15(3) and (5) (applications by registered persons)(i);
- (e) section 16(1) and (3) (regulations about registration)(j);
- (f) section 22(1)(a), (1A) to (2)(d), (2)(f) to (5)(a), (5)(c), 7(a) to (7)(j), and (8)(c) to (10) (regulation of establishments and agencies)(k);
- (g) section 23(1) and (1A) to (3) (national minimum standards)(l);

(a) 1992 c. 13. Section 91(3) was amended by paragraph 13(2) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(b) 2010 c. 32. Section 1B was inserted by section 53(7) of the Education Act 2011 (c. 21) and was amended by section 164(1) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(c) 2006 c. 41. The definition of “illness” in section 275(1), to which the definition of “hospital” refers, was amended by paragraph 24 of Schedule 1 to the Mental Health Act 2007 (c. 12).

(d) See section 4(2) of the Act for the definition of “residential family centre”. There are amendments to section 4 but none is relevant.

(e) See section 121(1) of the Act for the definition of “school”. There are amendments to section 121 but none is relevant.

(f) See section 1 of the Act for the definition of “children’s home”. Section 1 was amended in relation to England by paragraph 2(3) of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

(g) S.I. 2013/1394, to which there are amendments not relevant to these Regulations.

(h) Section 11(4) was amended by: paragraph 20 of Schedule 9 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); paragraph 42 of Schedule 14 to the Education and Inspections Act 2006 (c. 40); and paragraph 10(c) of Schedule 5 and Part 1 of Schedule 15 to the Health and Social Care Act 2008 (c. 14).

(i) Section 15(3) was amended by paragraph 14(b), and section 15(5) was substituted by paragraph 14(d), of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

(j) Section 16(3) was substituted by section 105(6) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and was further amended by paragraph 15 of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

(k) Section 22(1)(a) was substituted by section 103(1) of the Children and Families Act 2014 (c. 6). Section 22(1A) was inserted by section 103(2) of the Children and Families Act 2014 (c. 6). Section 22(7) was amended in relation to England by section 105(7) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and paragraph 21 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). Section 22(8) was amended by section 107(2) of, and Part 2 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); and S.I. 2016/413 (W. 131) and S.I. 2019/772 (W. 146). Section 22(10) was amended by paragraph 109 of Schedule 3 to the Adoption and Children Act 2002 (c. 38).

(l) Section 23(1A) was inserted by section 104 of the Children and Families Act 2014 (c. 6).

- (h) section 25(1) (contravention of regulations);
- (i) section 30A(1), (3) and (4) (notification of matters relating to persons carrying on or managing certain establishments or agencies)(a);
- (j) section 31(7) (inspections by persons authorised by registration authority)(b);
- (k) section 33 (annual returns);
- (l) section 34 (liquidators etc);
- (m) section 35 (death of registered person);
- (n) section 36(3) and (4) (provision of copies of registers).

14th July 2022

James Cleverly
Secretary of State
Department for Education

SCHEDULE Regulation 3

Modifications to Part 2 of the Act

Modification of section 14 (cancellation of registration)

1. In section 14(1), in the words before paragraph (a) insofar as they apply to paragraph (d)—
 - (a) the reference to “the registration authority”, in respect of a supported accommodation undertaking, is to be read as a reference to the CIECSS;
 - (b) the reference to “an establishment or agency” is to be read as a reference to a supported accommodation undertaking.

Modification of section 16 (regulations about registration)

2. In section 16—
 - (a) in subsection (1), in the words before paragraph (a), the reference to “establishments or agencies” is to be read as a reference to supported accommodation undertakings;
 - (b) in subsection (3), the reference to “the registration authority”, in respect of a supported accommodation undertaking, is to be read as a reference to the CIECSS.

Modification of section 22 (regulation of establishments and agencies)

3. In section 22—
 - (a) in subsection (1), in the words before paragraph (a) insofar as they apply to that paragraph, the reference to “establishments and agencies” is to be read as a reference to supported accommodation undertakings;
 - (b) in subsections (1A), (2)(a), (f), (i) and (j), (3), and (7)(e) to (h) and (j), the references to “an establishment or agency” are to be read as references to a supported accommodation undertaking;
 - (c) in subsections (2)(b), (c) and (g), and (4), the references to “an agency” are to be read as references to a supported accommodation undertaking;

(a) Section 30A was inserted by section 29 of the Children and Young Persons Act 2008 (c. 23). Section 30A(3) was amended by paragraph 11(c) of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw. 2).
 (b) Section 31(7) was amended by paragraph 27 of Schedule 5 to the Health and Social Care Act 2008 (c. 14).

- (d) in subsection (2)(d)—
 - (i) the first reference to “an establishment” is to be read as a reference to accommodation provided by a supported accommodation undertaking;
 - (ii) the second reference to “an establishment” is to be read as a reference to a supported accommodation undertaking;
- (e) in subsection (5)(c), the reference to “accommodated in, or provided with services by, an establishment” is to be read as a reference to accommodated in supported accommodation or provided with services by a supported accommodation undertaking;
- (f) in subsection (7)—
 - (i) in the words before paragraph (a) insofar as they apply to paragraphs (a) to (j), the reference to “establishments and agencies” is to be read as a reference to supported accommodation undertakings;
 - (ii) in paragraphs (a) and (d), the references to “agencies” are to be read as references to supported accommodation undertakings;
 - (iii) in paragraph (e), the reference to “the establishment or agency” is to be read as a reference to the supported accommodation undertaking;
 - (iv) in paragraph (j), the reference to “by the agency” is to be read as a reference to by the supported accommodation undertaking;
- (g) in subsection (8)(c), the reference to “children’s homes” is to be read as a reference to accommodation provided by a supported accommodation undertaking.

Modification of section 23 (national minimum standards)

4. In section 23—

- (a) in subsection (1), the reference to “establishments or agencies” is to be read as a reference to supported accommodation undertakings;
- (b) in subsection (1A)—
 - (i) the reference to “an establishment or agency” is to be read as a reference to a supported accommodation undertaking;
 - (ii) the reference to “that establishment or agency” is to be read as a reference to that supported accommodation undertaking.

Modification of section 30A (notification of matters relating to persons carrying on or managing certain establishments or agencies)

5. In section 30A(1), the reference to “an establishment or agency in England mentioned in subsection (6)” is to be read as a reference to a supported accommodation undertaking.

Modification of section 31 (inspections by persons authorised by registration authority)

6. In section 31(7), the reference to “an agency” is to be read as a reference to a supported accommodation undertaking.

Modification of section 33 (annual returns)

7. In section 33(1)—

- (a) the reference to “an establishment or agency” is to be read as a reference to a supported accommodation undertaking;
- (b) the reference to “the registration authority”, in respect of a supported accommodation undertaking, is to be read as a reference to the CIECSS.

Modification of section 34 (liquidators etc)

8. In section 34—

- (a) in subsection (1)(a), the reference to “the registration authority”, in respect of a supported accommodation undertaking, is to be read as a reference to the CIECSS;
- (b) in subsection (1)(b), the reference to “the establishment or agency” is to be read as a reference to the supported accommodation undertaking;
- (c) in subsection (3), the references to “an establishment or agency” are to be read as references to a supported accommodation undertaking.

Modification of section 35 (death of registered person)

9. In section 35—

- (a) in subsection (1), the references to “an establishment or agency” are to be read as references to a supported accommodation undertaking;
- (b) in subsections (1)(b) and (2)(b), the references to “the registration authority”, in respect of a supported accommodation undertaking, are to be read as references to the CIECSS;
- (c) in subsection (2)(a), the reference to “the establishment or agency” is to be read as a reference to the supported accommodation undertaking.

Modification of section 36 (provision of copies of registers)

10. In section 36(4), the references to “the registration authority”, in respect of a supported accommodation undertaking, are to be read as references to the CIECSS.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply in relation to supported accommodation in England. Part 2 of the Act provides for the registration and inspection of establishments and agencies by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills. Section 42 of the Act makes provision, via regulations, for the application of the Act (with such modifications as may be specified) in respect of the registration of other services which are not covered on the face of the Act. These include services that are, or are similar to, services which local authorities provide in the exercise of their social services functions (defined in section 121 of the Act).

These Regulations prescribe a person who carries on or manages a supported accommodation undertaking (as defined in regulation 2) for the purposes of section 42, and provide that the regulation making powers in the specified sections of Part 2 of the Act (regulation 3) apply to such persons with the modifications set out in the Schedule to the Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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