
WELSH STATUTORY INSTRUMENTS

2002 No. 327

The Children's Homes (Wales) Regulations 2002

PART III

CONDUCT OF CHILDREN'S HOMES

CHAPTER 2

STAFFING

Staffing of children's homes

25.—(1) The registered person shall ensure that there is at all times, having regard to—

- (a) the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there; and
- (b) the need to safeguard and promote the health and welfare of the children accommodated in the home;

a sufficient number of suitably qualified, skilled and experienced persons working at the children's home.

(2) The registered person shall ensure that the employment of any persons on a temporary basis at the children's home will not prevent children accommodated in the children's home from receiving such continuity of care as is reasonable to meet their needs.

Fitness of workers

26.—(1) The registered person shall not—

- (a) employ a person under a contract of employment to work at the children's home unless that person is fit to do so;
- (b) allow a volunteer to work at the children's home unless that person is fit to do so;
- (c) allow any other person to work at the children's home in a position in which he or she may in the course of his or her duties have regular contact with children accommodated there unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at a children's home unless—

- (a) he or she is of suitable integrity and good character to work at a children's home;
- (b) he or she has the qualifications, skills and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the purposes of the work he or she is to perform; and
- (d) full and satisfactory information or documentation (as the case may be) is available in relation to him or her in respect of the following matters—

- (i) except where paragraph (3) applies, in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
- (ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997⁽¹⁾ has not been brought into force.

(4) The registered person shall ensure that—

- (a) any offer of employment to, or other arrangement about working at the children's home made with or in respect of, a person falling within paragraph (1) is subject to paragraph (2)(d) being complied with in relation to that person; and
- (b) unless paragraph (5) applies, no such person starts work at a children's home until such time as paragraph (2)(d) has been complied with in relation to him or her.

(5) Where the following conditions apply, the registered person may permit a person to start work at a children's home notwithstanding paragraph (4)(b)—

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;
- (b) full and satisfactory information in relation to that person has been obtained in respect of—
 - (i) the matter specified in paragraph 1 of Schedule 2; and
 - (ii) except where paragraph (3) applies, the matter specified in paragraph 2 of that Schedule; or
 - (iii) where paragraph (3) applies, the matter specified in paragraph 7 of that Schedule;
- (c) in the reasonable opinion of the registered person the circumstances are exceptional; and
- (d) pending receipt of, and satisfying himself or herself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(6) The registered person shall ensure that any person working at the children's home who does not fall within paragraph (1) is appropriately supervised at all times.

Employment of staff

27.—(1) The registered person shall—

- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The registered person shall operate a disciplinary procedure which, in particular—

- (a) provides for suspension, and the taking of other action short of suspension, in relation to an employee where appropriate in the interests of the safety or welfare of children accommodated in the home; and
- (b) provides that a failure on the part of an employee to report an incident of abuse, or suspected abuse of a child accommodated in the home to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(1) 1997 c. 50. Sections 113 and 115, as amended, have not yet been brought into force. See further the footnotes to paragraph 2 of Schedule 2 to these regulations.

(3) For the purposes of paragraph (2)(b), an appropriate person is the registered person, an officer of either the National Assembly responsible for exercising any of its function under Part II of the Act, the local authority for the area in which the home is situated, or the National Society for the Prevention of Cruelty to Children, or a constable.

- (4) The registered person shall ensure that all persons employed by him or her—
- (a) receive appropriate training, supervision and appraisal; and
 - (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.