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WELSH STATUTORY INSTRUMENTS

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**2002 No. 327**

**The Children's Homes (Wales) Regulations 2002**

**PART VI**

**MISCELLANEOUS**

**Notice of absence**

**36.**—(1) Where—

- (a) a registered provider who manages the children's home; or
- (b) a registered manager,

is to be absent from the home for a continuous period of 28 days or more, the registered person shall give notice in writing to the appropriate office of the National Assembly of the absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the absence commences, or within such shorter period as may be agreed with the National Assembly and the notice shall specify with respect to the absence—

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the home;
- (d) the name, address and qualifications of the person who will be responsible for the home during the absence; and
- (e) arrangements that have been or are proposed to be made for appointing another person to manage the children's home during the absence, including the proposed date by which the appointment is to be made.

(3) Where an absence referred to in paragraph (1) is to arise as a result of an emergency, the registered provider shall give notice of the absence within one week of the emergency's occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where—

- (a) a registered provider who manages the children's home; or
- (b) a registered manager,

has been absent from the children's home for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person shall forthwith give notice in writing to that office specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person shall notify the appropriate office of the National Assembly of the return to work of a person mentioned in sub-paragraph (a) or (b) of paragraph (4) not later than 7 days after the date of return.

**Notice of changes**

37. The registered person shall give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if—

- (a) a person other than a registered person carries on or manages, or proposes to carry on or manage, the children's home;
- (b) a person ceases, or proposes to cease, to carry on or manage the home;
- (c) where a registered provider is an individual, he changes, or proposes to change, his or her name;
- (d) where a registered provider is an organisation—
  - (i) the name or address of the organisation changes, or is proposed to be changed;
  - (ii) there is, or is proposed to be, any change of director, manager, secretary or other similar officer of the organisation;
  - (iii) there is, or is proposed to be, any change in the identity of the responsible individual;
- (e) where a registered provider is an individual, a trustee in bankruptcy is, or is likely to be, appointed, or a composition or arrangement is, or is to be, made with creditors;
- (f) where a registered provider is a company, a receiver, liquidator or provisional liquidator is, or is likely to be, appointed;
- (g) where a registered provider is in a partnership whose business includes carrying on a children's home, a receiver or manager is, or is likely to be, appointed for the partnership; or
- (h) the premises of the home are, or are proposed to be, significantly altered or extended, or additional premises are, or are proposed to be, acquired.

**Appointment of liquidators etc**

38.—(1) Any person to whom paragraph (2) applies shall—

- (a) forthwith notify the appropriate office of the National Assembly for each children's home to which the appointment relates of his or her appointment indicating the reasons for it;
  - (b) appoint a manager to take full-time day to day charge of the children's home in any case where there is no registered manager; and
  - (c) within 28 days of his or her appointment notify the appropriate office of the National Assembly of his or her intentions regarding the future operation of each children's home to which the appointment relates.
- (2) This paragraph applies to any person appointed as—
- (a) the receiver of the property of a company which is a registered provider of a children's home;
  - (b) a liquidator or provisional liquidator of, a company which is a registered provider of a children's home;
  - (c) the receiver or manager of the property of a partnership whose business includes carrying on a children's home; or
  - (d) the trustee in bankruptcy of a registered provider of a children's home.

### **Death of registered person**

**39.**—(1) If more than one person is registered in respect of a children’s home, and a registered person dies, a surviving registered person shall without delay notify the appropriate office of the National Assembly of the death in writing.

(2) If only one person is registered in respect of a children’s home, and he or she dies, his or her personal representatives must notify the National Assembly in writing—

(a) without delay of the death; and

(b) within 28 days of their intentions regarding the future running of the home.

(3) The personal representatives of a deceased registered provider may carry on the home without being registered in respect of it—

(a) for a period not exceeding 28 days; and

(b) for any further period as may be determined in accordance with paragraph (4).

(4) The National Assembly may determine a period, not exceeding one year, for the purposes of paragraph (3)(b) and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to manage the home during any period in which, in accordance with paragraph (3), they carry on the children’s home without being registered in respect of it.

### **Offences**

**40.**—(1) A contravention or failure to comply with the provisions of regulations 4 to 37 shall be an offence.

(2) Without prejudice to the powers of the Assembly under section 29 of the Act(1) to bring proceedings against persons who once were, but are no longer, registered in respect of a children’s home, the National Assembly may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 28(5) after he or she ceased to be a registered person.

### **Compliance with regulations**

**41.** Where there is more than one registered person in respect of a children’s home, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

### **Specification of appropriate offices**

**42.** The Assembly may specify an office controlled by it as the appropriate office in relation to children’s homes situated in a particular area of Wales.

### **Revocation**

**43.** The following Regulations are revoked in so far as they apply to Wales—

(a) the Children’s Homes Regulations 1991(2);

(b) regulation 2 of the Children (Homes, Arrangements for Placement, Review and Representations) (Miscellaneous Amendments) Regulations 1993(3);

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(1) Under section 29 of the Act the National Assembly may, within the time limits there specified, bring proceedings for offences under regulations made under Part II of the Act.

(2) S.I. 1991/ 1506.

(3) S.I.1993/3069.

- (c) the Children's Homes Amendment Regulations 1994<sup>(4)</sup>
- (d) regulation 4 of the Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997<sup>(5)</sup>; and
- (e) the Children's Homes Amendment (Wales) Regulations 2001<sup>(6)</sup>.

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<sup>(4)</sup> S.I. 1994/1511.  
<sup>(5)</sup> S.I. 1997/2308.  
<sup>(6)</sup> S.I. 2001/140.