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STATUTORY INSTRUMENTS

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**2013 No. 1394**

**SOCIAL CARE, ENGLAND**  
**CHILDREN AND YOUNG PERSONS, ENGLAND**

The Residential Holiday Schemes for Disabled  
Children (England) Regulations 2013

<i>Made</i>	- - - -	<i>5th June 2013</i>
<i>Laid before Parliament</i>		<i>10th June 2013</i>
<i>Coming into force</i>	- -	<i>1st July 2013</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 1(4A), 11(4), 12(2), 14(1)(d), 15(3) and (5), 16(1) and (3), 22(1), (2)(a) to (d) and (f) to (j), (5)(a) and (c), (7)(a) to (d) and (g) to (j), 31(7), 35, 42(1), 118(5) to (7) of the Care Standards Act 2000<sup>(1)</sup>, and having consulted such persons as he considers appropriate<sup>(2)</sup>, makes the following Regulations.

**PART 1**

**General**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Residential Holiday Schemes for Disabled Children (England) Regulations 2013 and come into force on 1st July 2013.

(2) These Regulations apply in relation to holiday schemes for disabled children carried on in England.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000 and, with respect to Part 2 of that Act, means that Part as applied with modifications to holiday schemes for disabled children by the Care

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(1) 2000 c.14 (“the Act”). The powers are conferred upon the “appropriate Minister” who is defined in section 121(1) of the Act, in relation to England, as the Secretary of State. See section 121(1) of the Act for the definitions of “prescribed” and “regulations”.

(2) See section 22(9) of the Act for the requirement to consult.

Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013<sup>(3)</sup> and by regulation 35;

“child protection enquiry” means an enquiry carried out by a local authority in the exercise of any of their functions conferred by or under the Children Act 1989<sup>(4)</sup> relating to the protection of children;

“disabled children” means children who are of a description of persons falling within section 3(2) of the Act;

“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<sup>(5)</sup>;

“HMCI” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;

“holiday scheme for disabled children” means a scheme which is carried on solely to provide care (other than childcare within the meaning of section 18 of the Childcare Act 2006<sup>(6)</sup>) and accommodation wholly or mainly for disabled children for a specified period—

- (i) for the purposes of a holiday; or
  - (ii) for recreational, sporting, cultural or educational purposes,
- and references to a “scheme” are to be construed accordingly;

“organisation”, other than in regulation 14, means a body corporate or any unincorporated association, other than a partnership;

“placing authority” in relation to a child accommodated by a scheme means—

- (i) in the case of a child who is looked after by a local authority, that local authority;
- (ii) in the case of a child who is not looked after by a local authority, if that child is being provided with accommodation by a voluntary organisation<sup>(7)</sup>, that voluntary organisation;
- (iii) in any other case, the child’s parent;

“registered dental practitioner” means a person registered in the dentists register under section 14 of the Dentists Act 1984<sup>(8)</sup>;

“registered manager” means a person who is registered under Part 2 of the Act as the manager of the scheme;

“registered person” means any person who is the registered provider or the registered manager of the scheme;

“registered provider” means a person who is registered under Part 2 of the Act as the person carrying on the scheme;

“responsible individual” is to be construed in accordance with regulation 5(2)(c);

“specified period” means, in any twelve month period—

- (i) a period not exceeding 56 days in total; and

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<sup>(3)</sup> S.I. 2013/253.

<sup>(4)</sup> 1989 c.41.

<sup>(5)</sup> 1983 c.54. Section 34C was inserted by paragraph 10 of Schedule 1 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234).

<sup>(6)</sup> 2006 c.21. Section 18 of the Childcare Act 2006 was amended by paragraph 19 of Schedule 1, and by Schedule 4, to the Children and Young Persons Act 2008 (2008 c.23, “the CYPA 2008”) and by article 18 of the Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010 (S.I. 2010/813).

<sup>(7)</sup> Section 59 of the Children Act 1989 makes provision in respect of the accommodation of children by voluntary organisations.

<sup>(8)</sup> 1984 c.24. Section 14 was substituted by article 6 of the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011) and was subsequently amended by regulation 111 of the European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101).

- (ii) in relation to any one child, a period of no more than 28 consecutive days;
- “statement of purpose” means the statement compiled in accordance with regulation 3(1).

(2) In these Regulations, references to employing a person mean the registered person employing or allowing a person to work for the purposes of the scheme, whether or not for payment, and whether under a contract of service or a contract for services, and references to an employee or to a person being employed are to be construed accordingly.

### **Statement of purpose**

3.—(1) The registered person must compile a written statement covering the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to HMCI and, on request, to—

- (a) a child accommodated by the scheme;
- (b) the parent of a child accommodated by the scheme; or
- (c) an employee.

(3) References in paragraph (2) to a child accommodated by the scheme include a child in respect of whom accommodation by the scheme is being considered.

(4) The registered person must ensure that the scheme is conducted in a manner which is consistent with its statement of purpose.

### **Review of the statement of purpose**

4. The registered person must—

- (a) keep the statement of purpose under review; and
- (b) notify HMCI of a revision to the statement within 28 days of the date on which the revision is made.

## **PART 2**

### **Registered Persons**

#### **Fitness of registered provider**

5.—(1) A person must not carry on a scheme unless that person is fit to do so.

(2) A person is not fit to carry on a scheme unless the person—

- (a) is an individual who satisfies the requirements in paragraph (3);
- (b) is a partnership, and each of the partners satisfies the requirements in paragraph (3);
- (c) is an organisation and—
  - (i) the organisation has given notice to HMCI of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for the carrying on of the scheme; and
  - (ii) that individual satisfies the requirements in paragraph (3).

(3) The requirements are that—

- (a) the person is of integrity and good character;

- (b) having regard to the size of the scheme, its statement of purpose, and the number and needs of the children accommodated, the person—
    - (i) has the experience, qualifications and skills necessary for carrying on the scheme;
    - (ii) is mentally and physically fit to carry on the scheme; and
  - (c) the information in relation to the person in respect of each of the matters in Schedule 2 is available to HMCI.
- (4) A person must not carry on a scheme if that person has—
- (a) been adjudged bankrupt, or sequestration of that person’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>(9)</sup>), applies in relation to that person and that person has not been discharged from the bankruptcy or the sequestration and the bankruptcy order has not been annulled or rescinded; or
  - (b) made a composition or arrangement with a creditor and has not been discharged in respect of it.

### **Appointment of manager**

**6.—**(1) The registered provider must appoint an individual to manage the scheme if the registered provider is—

- (a) an organisation or a partnership;
- (b) not a fit person to manage the scheme; or
- (c) not, or does not intend to be, in day-to-day charge of the scheme.

(2) Where the registered provider appoints a person to manage the scheme, the registered provider must give notice without delay to HMCI of—

- (a) the name of the person appointed; and
- (b) the date on which the appointment took effect.

### **Fitness of manager**

**7.—**(1) A person must not manage a scheme unless that person is fit to do so.

(2) A person is not fit to manage a scheme unless—

- (a) that person is of integrity and good character;
- (b) having regard to the size of the scheme, its statement of purpose, and the number and needs of the children accommodated, the person—
  - (i) has the experience, qualifications and skills necessary for managing the scheme; and
  - (ii) is mentally and physically fit to manage the scheme; and
- (c) the information in relation to the person in respect of each of the matters in Schedule 2 is available to the registered provider and HMCI.

### **Registered person: training requirements**

**8.—**(1) If the registered provider is—

- (a) an individual, that individual must undertake;
- (b) an organisation, it must ensure that the responsible individual undertakes;

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(9) 1986 c.45. Section 251A was inserted by Schedule 17 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

(c) a partnership, it must ensure that one of the partners undertakes, from time to time such training as is appropriate to ensure that that person has the experience and skills necessary for carrying on the scheme.

(2) The registered manager must from time to time undertake such training as is appropriate to ensure that that person has the experience and skills necessary for managing the scheme.

#### **Notification of offences**

9. Where the registered person or the responsible individual is convicted of a criminal offence, whether in England and Wales or elsewhere, that person must give notice in writing, without delay, to HMCI of—

- (a) the date and place of the conviction;
- (b) the offence for which they were convicted; and
- (c) the penalty imposed in respect of the offence.

## **PART 3**

### **Conduct of Holiday Schemes for Disabled Children**

#### **CHAPTER 1**

##### *Welfare of Children*

#### **Promotion of welfare**

10.—(1) The registered person must ensure that the scheme is conducted so as to—

- (a) promote and make proper provision for the welfare of children it accommodates; and
- (b) make proper provision for the care, supervision and, where appropriate, treatment of those children.

(2) The registered person must make suitable arrangements to ensure that the scheme is conducted

- (a) in a manner which respects the privacy and dignity of children it accommodates;
- (b) with due regard to the sex, religious persuasion, racial origin, cultural and linguistic background and any disability of those children.

#### **Food provided for children**

11.—(1) The registered person must ensure that children accommodated by the scheme are provided with—

- (a) food which is—
  - (i) served in adequate quantities and at appropriate intervals;
  - (ii) properly prepared, wholesome and nutritious; and
- (b) access to fresh drinking water at all times.

(2) The registered person must meet any special dietary need of a child accommodated by the scheme, which is due to that child's health, religious persuasion, racial origin or cultural background.

### Contact and access to communications

12.—(1) The registered person must ensure that children accommodated by the scheme are provided at all reasonable times with access to the following facilities, which they may use in private, without reference to employees of the scheme or the registered person—

- (a) a telephone on which to make and receive calls;
- (b) facilities to send and receive post; and
- (c) if such facilities are provided for the use of children accommodated by the scheme, electronic mail.

(2) The registered person must ensure that any disabled child accommodated by the scheme is provided with access to such aids and equipment which, as a result of the disability, the child may require in order to facilitate communication with others.

### Arrangements for the protection of children

13.—(1) The registered person must prepare and implement a written policy which sets out—

- (a) how children accommodated by the scheme are to be safeguarded from abuse or neglect; and
- (b) the procedure to be followed in the event of an allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) must, in particular, provide for—

- (a) liaison and co-operation with a local authority which is making a child protection enquiry in relation to a child accommodated by the scheme;
- (b) the prompt referral to the local authority in whose area the scheme is situated of an allegation of abuse or neglect affecting a child accommodated by the scheme;
- (c) notification (in accordance with regulation 26) of the instigation and outcome of a child protection enquiry in relation to a child accommodated by the scheme, to HMCI and the placing authority;
- (d) consideration of the measures which may be necessary to protect children accommodated by the scheme following an allegation of abuse or neglect; and
- (e) a requirement for employees to report a concern about the safety or welfare of a child provided with accommodation by the scheme to one of the following—
  - (i) the registered person;
  - (ii) a police officer;
  - (iii) an officer of HMCI;
  - (iv) an officer of the local authority in whose area accommodation is being provided by the scheme;
  - (v) an officer of the National Society for the Prevention of Cruelty to Children.

(3) The registered person must prepare and implement—

- (a) a written policy for the prevention of bullying of children provided with accommodation by the scheme, which, in particular, sets out the procedure for dealing with an allegation of bullying; and
- (b) a procedure to be followed if a child provided with accommodation by the scheme goes missing, having regard to any relevant local authority or police protocols on missing children.

## **Behaviour management and discipline**

14.—(1) No measure which is—

- (a) excessive;
- (b) unreasonable; or
- (c) of a type listed in paragraph (2),

may be used for the control or discipline of children accommodated by the scheme.

(2) The measures are—

- (a) corporal punishment;
- (b) a punishment involving the consumption or deprivation of food or drink;
- (c) a restriction, other than one imposed by a court, on—
  - (i) a child's contact with parents, relatives or friends;
  - (ii) a visit to the child by the child's parents, relatives or friends; or
  - (iii) a child's access to a telephone helpline providing counselling for children;
- (d) a requirement that a child wears distinctive or inappropriate clothes;
- (e) the use or withholding of medication or medical or dental treatment;
- (f) the intentional deprivation of sleep;
- (g) the imposition of a financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;
- (h) an intimate physical examination of the child;
- (i) the withholding of any aids or equipment needed by a disabled child;
- (j) a measure which involves—
  - (i) a child in the imposition of a measure against another child; or
  - (ii) the punishment of a group of children for the behaviour of an individual child.

(3) Nothing in this regulation prohibits—

- (a) the taking of action by, or in accordance with the instructions of—
  - (i) a registered medical practitioner; or
  - (ii) a registered dental practitioner,which is necessary to protect the child's health;
- (b) the taking of any necessary action to prevent injury to any person or serious damage to property; or
- (c) the imposition of a requirement that a child wears distinctive clothing for sporting purposes, or for purposes connected with the child's education or with any organisation whose members customarily wear uniform in connection with its activities.

## **Restraint**

15.—(1) Subject to paragraph (2), a measure of restraint may only be used on a child accommodated by the scheme for the purpose of—

- (a) preventing injury to any person; or
- (b) preventing serious damage to the property of any person,

and then only where no alternative method of preventing the event specified in sub-paragraphs (a) or (b) is practicable.

- (2) Where a measure of restraint is used on a child accommodated by the scheme—
  - (a) the measure of restraint must be proportionate; and
  - (b) no more force than is necessary may be used.

### **Policies and records**

**16.**—(1) The registered person must prepare and implement a written policy (in this regulation referred to as the “behaviour management policy”) which sets out—

- (a) the measures of control, discipline and restraint which may be used by employees of the scheme with respect to children accommodated by the scheme; and
  - (b) how appropriate behaviour is to be promoted by the scheme.
- (2) The registered person must—
- (a) keep the behaviour management policy under review; and
  - (b) notify HMCI of a revision to the policy within 28 days of the date on which the revision is made.

(3) The registered person must ensure that within 24 hours of the use of a measure of control, discipline or restraint, a written record is made, in a volume kept for the purpose, which must include —

- (a) the name of the child concerned;
  - (b) details of the child’s behaviour leading to the use of the measure;
  - (c) a description of the measure used;
  - (d) the date, time and location of the use of the measure;
  - (e) the name of the person using the measure, and of any other person present during its use;
  - (f) the effectiveness and any consequences of the use of the measure;
  - (g) a description of any injury to the child concerned or any other person and any medical treatment administered;
  - (h) confirmation that the person authorised by the registered person to make the record has spoken to the child concerned and the person using the measure about the use of the measure; and
  - (i) the signature of the person authorised by the registered person to make the record.
- (4) Where a measure of restraint is used on a child, the record under paragraph (3) must include—
- (a) the duration of the measure of restraint; and
  - (b) details of any methods used to avoid the need to use that measure.

### **Health needs of children**

**17.** The registered person must promote and protect the emotional, mental and physical health of children whilst they are provided with accommodation by the scheme.

### **Medicines**

**18.**—(1) The registered person must make suitable arrangements for the disposal, handling, recording, safe administration and safekeeping of any medicines held, kept or received for the purpose of the care of children accommodated by the scheme.

- (2) In particular, the registered person must ensure that—

- (a) any such medicine is stored in a secure place so as to prevent children accommodated by the scheme from having unsupervised access to it;
  - (b) any medicine which is prescribed for a child is administered as prescribed; and
  - (c) a written record is kept of the administration of any medicine to a child.
- (3) Paragraph (2) does not apply to a medicine which—
- (a) is stored by the child for whom it is provided in such a way that others are prevented from using it; and
  - (b) may be safely self-administered by that child.
- (4) In this regulation, “prescribed” means—
- (a) ordered for a patient for provision to them pursuant to the National Health Service Act 2006 or section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(10)</sup>; or
  - (b) in a case not falling within sub-paragraph (a), prescribed for a patient in accordance with regulation 217 of the Human Medicines Regulations 2012<sup>(11)</sup>.

### **Use of surveillance**

**19.** Subject to any requirement for electronic monitoring imposed by a court, the registered person must ensure that no electronic or mechanical monitoring device is used for the surveillance of a child accommodated by the scheme, except—

- (a) for the purpose of promoting and safeguarding that child’s welfare; and
- (b) where the following conditions are met—
  - (i) that child’s placing authority consents to the use of the device in question;
  - (ii) so far as practicable in the light of that child’s age and understanding, that child is informed in advance of the intention to use the device; and
  - (iii) the use of the device is no more restrictive than necessary, having regard to that child’s need for privacy.

### **Complaints and representations**

**20.—**(1) The registered person must establish a written procedure (in this regulation referred to as “the complaints procedure”) for considering complaints made by or on behalf of children accommodated by the scheme.

- (2) The complaints procedure must include—
- (a) the address and telephone number of HMCI; and
  - (b) details of any procedure notified to the registered person by HMCI for the making of complaints to HMCI relating to the scheme.
- (3) The registered person must supply a copy of the complaints procedure, on request, to—
- (a) a child accommodated by the scheme;
  - (b) the parent of a child accommodated by the scheme;
  - (c) a placing authority; or
  - (d) an employee.

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<sup>(10)</sup> 2003 c.43 (“the 2003 Act”).

<sup>(11)</sup> S.I. 2012/1916.

(4) The registered person must ensure that a written record is made of any complaint, the action taken in response, and the outcome of the investigation.

(5) The registered person must ensure that—

- (a) children accommodated by the scheme are enabled to make a complaint or representation; and
- (b) no child is subject to reprisal for making a complaint or representation.

(6) The registered person must supply to HMCI, at HMCI's request, a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in relation to each complaint.

(7) This regulation (apart from paragraph (5)) does not apply to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006(12) apply.

## CHAPTER 2

### *Staffing*

#### **Staffing of holiday schemes for disabled children**

21.—(1) The registered person must ensure that, at all times, having regard to—

- (a) the size of the scheme, its statement of purpose, and the number and needs of the children accommodated; and
- (b) the need to safeguard and promote the health and welfare of those children,

there is a sufficient number of suitably competent, experienced and trained employees.

(2) Where the scheme provides care and accommodation at more than one site, the registered person must be able to—

- (a) provide support on a daily basis at any site; and
- (b) attend each site in person.

#### **Fitness of employees**

22.—(1) A person may only be employed if that person is fit to be so.

(2) For the purposes of paragraph (1), a person is not fit to be employed unless—

- (a) that person is of integrity and good character;
- (b) that person has the experience, skills and training necessary for the work which is to be performed;
- (c) that person is mentally and physically fit for the purposes of the work to be performed; and
- (d) subject to paragraph (3), the information in relation to that person in respect of each of the matters in Schedule 2 is available to the registered person and, on the basis of that information, the registered person is satisfied that there is no reason why that person should not be employed.

(3) The registered person may permit a person to start working as an employee where—

- (a) the registered person has taken reasonable steps to obtain the information in respect of each of the matters in Schedule 2 in respect of that person, but the enquiries in relation to the matters in paragraphs 3 and 4 of Schedule 2 are incomplete;

- (b) the information in relation to that person in respect of each of the matters in paragraphs 1 and 2 of Schedule 2 is available to the registered person and, on the basis of that information, the registered person is satisfied that there is no reason why that person should not start working as an employee;
  - (c) the registered person considers that the circumstances are exceptional; and
  - (d) pending receipt of any outstanding information, the registered person ensures that that person is appropriately supervised while that person is carrying out their duties.
- (4) The registered person must take reasonable steps to ensure that any person who—
- (a) is working at premises or a site used by the scheme to provide care and accommodation but who is not an employee; and
  - (b) does not have regular contact with children accommodated by the scheme in the course of carrying out their duties,
- is appropriately supervised while carrying out those duties.

### **Employment of staff**

23. The registered person must—
- (a) provide all employees with a job description outlining their responsibilities;
  - (b) operate a disciplinary procedure with respect to employees; and
  - (c) ensure that all employees receive appropriate supervision and training.

## CHAPTER 3

### *Records*

#### **Children's holiday scheme case records**

- 24.—(1) The registered person must maintain, in respect of each child who is accommodated by the scheme, a record in writing which—
- (a) includes the documents, information and records specified in Schedule 3 in relation to that child;
  - (b) is kept up to date; and
  - (c) is signed and dated by the author of each entry.
- (2) The record in paragraph (1) must be kept securely for a period of at least fifteen years from the date when the child was last accommodated by the scheme.

#### **Other records**

- 25.—(1) The registered person must maintain records of the matters specified in Schedule 4 and ensure that they are kept up to date.
- (2) The records referred to in paragraph (1) must be retained for a period of at least fifteen years from the date of the last entry.

#### **Notifiable events**

- 26.—(1) If, in relation to the scheme, an event in column 1 of the table in Schedule 5 takes place, the registered person must without delay notify the persons indicated in column 2 of that table in respect of that event.

(2) Any notification made in accordance with this regulation which is given orally must be confirmed in writing.

## PART 4

### Premises

#### **Fitness of premises used to provide care and accommodation by the scheme**

27.—(1) The registered person must not provide accommodation unless it is in a location, and of a layout and physical design, which is suitable for the purpose of achieving the aims and objectives in the scheme's statement of purpose.

(2) The registered person must ensure that all premises or sites used by the scheme to provide care and accommodation for children are—

- (a) secure from unauthorised access;
- (b) of sound construction and kept in good structural repair externally and internally;
- (c) suitably furnished with adequate communal, living and storage space to meet the needs of the children accommodated;
- (d) equipped with what is reasonably necessary, and adapted as necessary, in order to meet the needs of the children accommodated;
- (e) equipped with suitable accommodation and facilities, in particular—
  - (i) kitchen, laundry and washing facilities for use by employees and, where appropriate, by the children accommodated by the scheme; and
  - (ii) sleeping accommodation for each child accommodated by the scheme which, having regard to the child's need for privacy, is appropriate for the child's needs.

(3) The registered person must ensure that no child accommodated by the scheme shares a bedroom with an adult or, except in the case of siblings, a child who is of the opposite sex.

(4) Paragraph 3 of this regulation does not apply where—

- (a) a placing authority has agreed in writing to an adult being present in the child's bedroom at the times specified in that agreement;
- (b) the adult present in the child's bedroom at the times specified in the agreement is to be an employee; and
- (c) the registered person—
  - (i) has medical evidence demonstrating that the child's needs require the presence or supervision of an adult in the child's bedroom at the times specified in the agreement;
  - (ii) is satisfied that the child's needs require the presence or supervision of an adult in the child's bedroom at the times specified in the agreement; or
  - (iii) produces a signed, written assessment demonstrating that the child would face a significant risk of harm without the presence or supervision of an adult at the times specified in the agreement.

(5) Where the registered person is satisfied that—

- (a) a child's needs require the presence or supervision of an adult in the child's bedroom at any time; and
- (b) the requirements of sub-paragraphs (4)(a) and (b) cannot be met before that time,

paragraph (3) does not apply but the registered person must comply with sub-paragraphs (4)(a) and (b) without delay.

(6) The registered person must supply a copy of an assessment produced pursuant to paragraph (4)(c)(iii) to HMCI at HMCI's request.

### **Fire precautions**

**28.**—(1) Subject to paragraph (2), the registered person must ensure that in relation to accommodation provided by the scheme—

- (a) adequate precautions against the risk of fire, including the provision of suitable fire equipment, have been taken;
  - (b) adequate means of escape are provided;
  - (c) arrangements have been made for employees to receive suitable training in fire prevention; and
  - (d) by means of fire drills and practices at suitable intervals, employees and, so far as practicable, children provided with accommodation by the scheme, are aware of the procedure to be followed in case of fire.
- (2) Where the Regulatory Reform (Fire Safety) Order 2005(**13**) applies to the scheme—
- (a) paragraph (1) does not apply; and
  - (b) the registered person must ensure that the requirements of that Order, and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the scheme.

## **PART 5**

### **Management of Schemes**

#### **Visits by registered provider**

**29.**—(1) Where the registered provider is an individual, but is not in day-to-day charge of the scheme, the registered provider must visit each site used by the scheme to provide care and accommodation for children in accordance with this regulation.

(2) Where the registered provider is an organisation or a partnership, the accommodation provided by the scheme must be visited in accordance with this regulation by—

- (a) the responsible individual; or
  - (b) another of the directors or, as the case may be, partners, or other persons responsible for the management of the organisation or partnership.
- (3) A visit to each site pursuant to paragraph (1) or (2) must take place at least once in every twelve month period, at a time when children are being provided with care and accommodation there.
- (4) The person carrying out the visit must—
- (a) interview, with their consent and in private, such of the—
    - (i) children accommodated by the scheme; and
    - (ii) employees,

as appears necessary in order to form an opinion of the standard of care provided by the scheme;

- (b) inspect—
  - (i) the premises and sites used by the scheme to provide care and accommodation for children;
  - (ii) records of any complaints; and
- (c) prepare a written report on the conduct of the scheme.

(5) The registered provider must supply a copy of the report required to be made under paragraph (4)(c) to—

- (a) HMCI;
- (b) the registered manager; and
- (c) in the case of a visit under paragraph (2)—
  - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation;
  - (ii) where the registered provider is a partnership, to each of the partners.

### **Review of quality of care**

**30.**—(1) The registered person must establish and maintain a system for—

- (a) monitoring the matters set out in Schedule 6 at least once in every 12 month period;
- (b) improving the quality of care provided by the scheme.

(2) Where the registered person conducts a review for the purposes of paragraph (1), the registered person must provide—

- (a) a report in respect of that review to HMCI; and
- (b) a copy of that report, on request, to a placing authority where the placing authority is not the parent of a child accommodated by the scheme.

(3) The system referred to in paragraph (1) must provide for consultation with children accommodated by the scheme, their parents and, where different, placing authorities.

### **Regulations and guidance**

**31.**—(1) The registered person must ensure that a copy of these Regulations (and of any amendments to them) and of any statement of national minimum standards applicable to schemes published by the Secretary of State under section 23(1) of the Act are kept by the scheme and made available, on request, to—

- (a) a child accommodated by the scheme;
- (b) the parent of a child accommodated by the scheme; or
- (c) an employee.

## PART 6

### Notices

#### Notice of changes

**32.**—(1) The registered person must give notice in writing to HMCI without delay if an event in paragraph (2) takes place or is proposed to take place.

(2) The events are—

- (a) a person other than the registered person carries on or manages the scheme;
- (b) a person ceases to carry on or manage the scheme;
- (c) where the registered provider is an individual, that person changes their name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
  - (i) the name or address of the organisation is changed;
  - (ii) there is a change of director, manager, secretary or other similar officer of the organisation;
  - (iii) there is a change in the identity of the responsible individual.

#### Death of registered person

**33.**—(1) Where the registered person is an individual and that person dies, that person's personal representatives must notify HMCI in writing—

- (a) without delay, of the death; and
- (b) within 28 days of the death, of—
  - (i) their intentions regarding the future running of the scheme;
  - (ii) the name of the person who is to carry on or manage the scheme in place of the deceased person; and
  - (iii) if different, the name of the person appointed pursuant to paragraph (4).

(2) The deceased person's personal representatives may carry on the scheme without being registered in respect of it for a period not exceeding 28 days from the date of the person's death.

(3) HMCI—

- (a) may extend the period in paragraph (2) by up to one year from the person's death;
- (b) must notify the deceased person's personal representatives in writing of a decision under sub-paragraph (a).

(4) The deceased person's personal representatives must appoint a person to take day-to-day charge of the scheme during any period in which, in accordance with paragraph (2), they carry on the scheme without being registered in respect of it.

## PART 7

### Miscellaneous

#### Compliance

**34.**—(1) Where there is more than one registered person in respect of the scheme, anything which is required under these Regulations to be done by the registered person is not, if done by one of the registered persons, required to be done by any of the other registered persons.

(2) Neither regulation 3(4) nor regulation 27 require or authorise the registered person to contravene or fail to comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions in relation to the registration of the registered person under Part 2 of the Act.

#### Application of Part 2 of the Act to persons carrying on or managing a scheme

**35.** Subject to regulation 39, the provisions of Part 2 of the Act, insofar as they apply to England and are not already applied by the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013, apply to registered persons in accordance with the modifications set out in Schedule 7.

#### Amendment of the Children’s Homes Regulations 2001

**36.** In regulation 3(2) of the Children’s Homes Regulations 2001(14) for “The exceptions in paragraphs (1)(b), (c), and (d) do not apply” substitute “The exception in paragraph 1(c) does not apply”.

#### Amendment of the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2007

**37.** The Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2007(15) are amended in accordance with the provisions of Schedule 8.

#### Amendment of the Care Standards Act 2000 (Registration) (England) Regulations 2010

**38.** The Care Standards Act 2000 (Registration) (England) Regulations 2010(16) are amended in accordance with the provisions of Schedule 9.

#### Transitional Provisions

**39.** The transitional provisions in Schedule 10 apply.

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(14) S.I. 2001/3967, amended by S.I. 2002/865, S.I. 2002/2469, S.I. 2004/865, S.I. 2004/3168, S.I. 2005/1541, S.I. 2006/1738, S.I. 2009/1895, S.I. 2010/1172, S.I. 2011/583, S.I. 2012/979 and S.I. 2012/2404.

(15) S.I. 2007/694, to which there are amendments but none are relevant to these Regulations.

(16) S.I. 2010/2130, amended by S.I. 2013/446.

5th June 2013

*Edward Timpson*  
Parliamentary Under Secretary of State  
Department for Education

## SCHEDULE 1

Regulation 3

### Matters to be included in the statement of purpose

1. A statement of the overall aims of the scheme, and the objectives to be attained with regard to children provided with accommodation by the scheme.
2. A statement of the facilities and services to be provided for children accommodated by the scheme.
3. The name and business address of the registered provider and, if different, the registered manager.
4. The relevant experience and qualifications of the registered provider and, if different, the registered manager.
5. The experience, number and relevant qualifications of employees and, if the employees are all of one sex, a description of the means by which the scheme is to promote appropriate role models of both sexes.
6. The arrangements for the development, supervision and training of employees.
7. The age range, numbers, range of needs and sex of children for whom it is intended that the scheme is to provide accommodation.
8. A description of the scheme's underlying ethos and philosophy and, where this is based on a theoretical or therapeutic model, a description of that model.
9. The arrangements made to protect and promote the health and welfare of children accommodated by the scheme.
10. The arrangements made for promoting appropriate behaviour, and for the control, discipline and restraint of children accommodated by the scheme.
11. The arrangements made for child protection and to counter bullying.
12. The arrangements made for dealing with an incident where a child goes missing from premises or sites used by the scheme to accommodate children.
13. A description of any electronic or mechanical means of surveillance of children which may be used in premises or sites used by the scheme to accommodate children.
14. The fire precautions and associated emergency procedures in place in accommodation for children provided by the scheme.
15. The arrangements for contact between children accommodated by the scheme and their parents.
16. The arrangements for dealing with complaints.
17. The type of accommodation, including the sleeping accommodation, provided, and, where applicable, how children are to be grouped, and in what circumstances they are to share bedrooms.
18. The address, telephone number and such other contact details as the registered person considers necessary for each site at which the registered provider intends to provide accommodation.

## SCHEDULE 2

Regulations 5, 7, 22

Information required in respect of persons seeking to carry on, manage or be employed to work at a scheme

1. Proof of identity, including a recent photograph.
2. Either—
  - (a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002(17), an enhanced criminal record certificate issued under section 113B of the Police Act 1997(18) which includes suitability information relating to children (within the meaning of section 113BA(2)(19) of that Act) and, where applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2)(20) of that Act); or
  - (b) in any other case, a criminal record certificate issued under section 113A(21) of the Police Act 1997.
3. Two written references, including a reference from the person's most recent employer, if any.
4. Documentary evidence of any relevant qualifications.

## SCHEDULE 3

Regulation 24

Information to be included in the case records of children accommodated by the scheme

1. The child's name and any name by which the child has previously been known, other than a name used by the child prior to adoption.
2. The child's date of birth and sex.
3. A description of the child's cultural and linguistic background and racial origin.
4. The name, address and telephone number of the child's placing authority.
5. The circumstances and date of use of a measure of control, discipline or restraint used in relation to the child.
6. Any special dietary or health need of the child.
7. A copy of any plan for the care of the child prepared by the placing authority.
8. The name, address and telephone number of the general medical practitioner with whom the child is a registered patient and the child's registered dental practitioner.

(17) S.I. 2002/233. Regulation 5A of S.I. 2002/233 was inserted by S.I. 2006/748 and was amended by S.I. 2008/2143, S.I. 2009/1882, S.I. 2010/817, S.I. 2012/2114 and S.I. 2012/3006. There are other amendments to regulation 5A of S.I. 2002/233, but none are relevant to these Regulations.

(18) 1997 c.50 ("the 1997 Act"). Section 113B of the 1997 Act was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (2005 c.15, "the 2005 Act"). Section 113B of the 1997 Act was amended by sections 79, 80, 82 and 115 of, and Schedules 9 and 10 to, the Protection of Freedoms Act 2012 (2012 c.9, "the 2012 Act") and by S.I. 2012/3006. There are other amendments to section 113B of the 1997 Act, but none are relevant to these Regulations.

(19) Section 113BA of the 1997 Act was inserted, in relation to England, Wales and Northern Ireland, by section 63(1) of, and paragraph 14 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (2006 c.47, "the 2006 Act").

(20) Section 113BB of the 1997 Act was inserted by section 63(1) of, and paragraph 14 of Schedule 9 to, the 2006 Act.

(21) Section 113A of the 1997 Act was inserted by section 163(2) of the 2005 Act. Section 113A of the 1997 Act was amended by sections 79, 80 and 115 of, and Schedules 9 and 10 to, the 2012 Act and by S.I. 2012/3006. There are other amendments to section 113A of the 1997 Act, but none are relevant to these Regulations.

**9.** Details of any accident or serious illness involving the child while accommodated by the scheme and details of any incident where the child went missing.

**10.** Details of any allergy, immunisation or medical examination of the child and of any dental or medical need or treatment of the child.

**11.** Details of any medicines kept for the child in premises or sites used to provide accommodation by the scheme, including any medicines which the child is permitted to administer without assistance, and details of the administration of any medicine to the child.

**12.** The dates on which any money or valuables are deposited by or on behalf of the child for safekeeping, and the dates on which any money is withdrawn or any valuables are returned.

#### SCHEDULE 4

Regulation 25

##### Other records to be kept by schemes

- 1.** A record showing in respect of each employee, the person's—
  - (a) full name;
  - (b) sex;
  - (c) date of birth;
  - (d) address of employment;
  - (e) experience of, and qualifications relevant to, work involving children.
- 2.** A record of accidents occurring at premises or sites used by the scheme to provide accommodation for children.
- 3.** A record of the administration of any medicine to a child accommodated by the scheme, including the receipt of any medicine by or in relation to that child and the disposal of any such medicine.
- 4.** A record of every fire drill or fire alarm test conducted in premises or sites used by the scheme to provide accommodation for children, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.
- 5.** Records of all accounts kept by the scheme.
- 6.** A copy of the staff duty roster of employees and a record of the actual rosters worked.
- 7.** A record of visitors to premises or sites used by the scheme to accommodate children, including visitors to children accommodated.
- 8.** Written records of any allegation of abuse or neglect in relation to a child accommodated by the scheme, and of the action taken in response to any such allegation.

## SCHEDULE 5

Regulation 26

## Events and Notifications

<i>Column 1</i>	<i>Column 2</i>				
<i>Event:</i>	<i>To be notified:</i>				
	HMCI	Placing authority	Secretary of State	Local authority (of the area in which the child ordinarily resides), if different from the placing authority	Police
Death of a child accommodated by the scheme	Yes	Yes	Yes	Yes	
Referral of an employee pursuant to section 35 of the Safeguarding Vulnerable Groups Act 2006(22)	Yes	Yes			
Serious illness or serious accident sustained by a child accommodated by the scheme	Yes	Yes		Yes	
Outbreak of any infectious disease which, in the opinion of a registered medical practitioner attending children accommodated by the scheme, is sufficiently serious to be notified	Yes	Yes		Yes	
Allegation that a child accommodated by the scheme		Yes			Yes

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(22) Section 35 of the 2006 Act was amended by section 115 of, and Schedule 9 to, the 2012 Act and by [S.I. 2012/3006](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

<i>Column 1</i>	<i>Column 2</i>				
<i>Event:</i>	<i>To be notified:</i>				
	HMCI	Placing authority	Secretary of State	Local authority (of the area in which the child ordinarily resides), if different from the placing authority	Police
has committed a serious offence					
Involvement or suspected involvement of a child accommodated by the scheme in sexual exploitation	Yes	Yes		Yes	Yes
Serious incident necessitating calling the police to the scheme	Yes	Yes			
A child accommodated by the scheme goes missing		Yes			
Any serious complaint about the scheme or an employee	Yes	Yes			
Instigation and outcome of a child protection enquiry in relation to a child accommodated by the scheme	Yes	Yes			

## SCHEDULE 6

Regulation 30

Matters to be monitored by the registered person

1. The deposit and issue of money and other valuables handed in for safekeeping.
2. Accidents involving, and injuries to, persons in premises or sites used by the scheme to accommodate children.
3. Illnesses of children accommodated by the scheme.

4. Complaints in relation to children accommodated by the scheme and the outcomes of those complaints.
5. Allegations or suspicions of abuse in respect of children accommodated by the scheme and the outcome of any related investigation.
6. Visitors to premises or sites used by the scheme to accommodate children, including visitors to children accommodated.
7. Notifications of the events in Schedule 5.
8. The use of measures of control, discipline and restraint in respect of children accommodated by the scheme.
9. Risk assessments for health and safety purposes and subsequent action taken.
10. First aid, medical treatment or medicines administered to a child accommodated by the scheme.
11. Fire drills and tests of alarms and of fire equipment.

## SCHEDULE 7

Regulation 35

### Application of Part 2 of the Care Standards Act 2000 to persons carrying on or managing a scheme

1. Section 11 (requirement to register) applies as if—
  - (a) in subsection (1)—
    - (i) after “description”, on the first occasion where the word occurs, there were inserted “or a holiday scheme for disabled children”;
    - (ii) after “description”, on the second occasion where the word occurs, there were inserted “or as a holiday scheme for disabled children”;
  - (b) in subsection (6)(a)—
    - (i) for “or agency” there were substituted “, agency or holiday scheme for disabled children”;
    - (ii) “or” at the end of the paragraph were omitted;
  - (c) for subsection (6)(b) there were substituted—
    - “(b) in the case of a conviction in relation to an establishment or agency, the conviction is a second or subsequent conviction of the offence and the earlier conviction, or one of the earlier convictions, was of an offence in relation to an establishment or agency of the same description; or
    - (c) in the case of a conviction in relation to a holiday scheme for disabled children, the conviction is a second or subsequent conviction of the offence.”
2. Section 12 (applications for registration) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
3. Section 13 (grant or refusal of registration) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.

4. Section 14(23) (cancellation of registration) applies as if in paragraphs (b), (c) and (ca)(i) of subsection (1) for “or agency” there were substituted “, agency or holiday scheme for disabled children”.
5. Section 17(24) (notice of proposals) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
6. Section 19(25) (notice of decisions) applies as if for “or agency” there were substituted “, agency or holiday scheme for disabled children”.
7. Section 20(26) (urgent procedure for cancellation etc.) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
8. Section 21(27) (appeals to the tribunal) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
9. Section 22A(28) (power of CIECSS to serve notice where person is failing to comply with regulations) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
10. Section 22B(29) (notice restricting accommodation at certain establishments) applies as if—
- in subsections (1) to (7), after “establishment”, in each place where the word occurs, there were inserted “or holiday scheme for disabled children”;
  - in subsection (8), after “This section applies to” there were inserted “holiday schemes for disabled children and to”.
11. Section 24 (failure to comply with conditions) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
12. Section 24A(30) (offences relating to suspension) applies as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
13. Section 26(31) (false descriptions of establishments and agencies) applies as if—
- in subsection (1), after “description”, in each place where the word occurs, there were inserted “or a holiday scheme for disabled children”;
  - in subsection (3), for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.
14. Section 28 (failure to display certificate of registration) applies as if—
- for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”;
  - after “at the agency” there were inserted “or in the principal office used to carry out the administration of the holiday scheme for disabled children”.

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(23) Section 14(1)(ca) of the Act was inserted by section 26(1) of the CYPA 2008.

(24) Section 17(4) of the Act was amended by section 95 of, and paragraphs 1 and 16 of Schedule 5 to, the Health and Social Care Act 2008 (2008 c.14, “the 2008 Act”).

(25) Section 19(4) of the Act was amended by section 95 of, and paragraphs 1 and 17 of Schedule 5 to, the 2008 Act.

(26) Section 20 of the Act was amended by section 95 of, and paragraphs 1 and 18 of Schedule 5 to, the 2008 Act.

(27) Section 21 of the Act was amended by sections 95 and 166 of, and Schedules 5 and 15 to, the 2008 Act, and by sections 28 and 42 of, and Schedule 4 to, the CYPA 2008.

(28) Section 22A of the Act was inserted by section 26(2) of the CYPA 2008.

(29) Section 22B of the Act was inserted by section 27 of the CYPA 2008.

(30) Section 24A of the Act was inserted by section 95 of, and paragraphs 1 and 22 of Schedule 5 to, the 2008 Act.

(31) Section 26 of the Act was amended by section 95 of, and paragraphs 1 and 23 of Schedule 5 to, the 2008 Act.

15. Section 30A(2)(a), (aa) and (b)(32) (notification of matters relating to persons carrying on or managing certain establishments or agencies) apply as if for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”.

16. Section 31(33) (inspections by persons authorised by registration authority) applies as if—

- (a) in subsections (1), (3)(c) and (4)(a), for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”;
- (b) in subsection (2), after “agency” there were inserted “or holiday scheme for disabled children”;
- (c) in subsection (3)(e), after “there” there were inserted “, or in the case of a holiday scheme for disabled children, any person provided with care or support under such a scheme.”;
- (d) in subsection (5), after “establishment” there were inserted “or for the purposes of the holiday scheme for disabled children”.

17. Section 32(34) (inspections: supplementary) applies as if—

- (a) for “or agency”, wherever the words occur, there were substituted “, agency or holiday scheme for disabled children”;
- (b) in subsection (5), after “of an agency” there were inserted “or holiday scheme for disabled children”.

18. Section 37 (service of documents) applies as if for “or agency”—

- (a) in subsection (1), and for the first occurrence of the words in subsection (2), there were substituted “, agency or holiday scheme for disabled children”;
- (b) in subsection (2), for the second occurrence of the words, there were substituted “, agency or the premises from which the holiday scheme for disabled children is carried on”.

## SCHEDULE 8

Regulation 37

### Amendment of the Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2007

1. In regulation 2 (interpretation)—

(a) after the definition of “existing provider” insert—

““holiday scheme for disabled children” has the same meaning as in the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013;”;

(b) in the definition of “registered provider”, for “or agency”, in each place where the words occur, substitute “, agency or holiday scheme for disabled children”.

2. After regulation 7 (fostering agencies) insert—

(32) Section 30A of the Act was inserted by section 29 of the CYPA 2008. Section 30A(2)(aa) was inserted by section 95 of, and paragraphs 1 and 26 of Schedule 5 to, the 2008 Act.

(33) Section 31 of the Act was amended by section 108 of the 2003 Act. There are other amendments but none are relevant to these Regulations.

(34) Section 32(8) of the Act was repealed by section 196 of, and Schedule 14 to, the 2003 Act.

**“Holiday schemes for disabled children**

**7A.**—(1) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who carries on a holiday scheme for disabled children shall be £596.

(2) For the purposes of section 12(2) of the 2000 Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the 2000 Act as the person who manages a holiday scheme for disabled children shall be £596.”.

3. After regulation 17 (children’s homes etc) insert—

**“Holiday schemes for disabled children**

**17A.** The registered provider in respect of a holiday scheme for disabled children shall pay an annual fee of £2176.”.

4. In regulation 19(1)(c) (frequency of inspections), after “period” insert—

“(d) for the purposes of a holiday scheme for disabled children, at least once in every 12 month period”.

SCHEDULE 9

Regulation 38

Amendment of the Care Standards Act 2000 (Registration) (England) Regulations 2010

1. Except in the following provisions—

- (a) regulation 8(e);
- (b) paragraphs 5 to 7, 9 and 16 of Schedule 1;
- (c) paragraph 8 of Schedule 3;
- (d) paragraphs 3 and 4 of Schedule 5,

for “establishment or agency”, wherever the words occur, substitute “establishment, agency or holiday scheme for disabled children”.

2. In regulation 2(1) (interpretation)—

- (a) in the definition of “the Act”, after “2000” insert “and, with respect to holiday schemes for disabled children, means that Act as applied by the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013 and the Residential Holiday Schemes for Disabled Children (England) Regulations 2013”;
- (b) in the definition of “behaviour management policy”, after “Children’s Homes Regulations 2001” insert “or, in the case of a holiday scheme for disabled children, by the Residential Holiday Schemes for Disabled Children (England) Regulations 2013”;
- (c) after the definition of “holding company” insert—
  - ““holiday scheme for disabled children” has the meaning given to it by the Residential Holiday Schemes for Disabled Children (England) Regulations 2013.”;
- (d) in the definition of “service user”, after “or by an agency” insert “or holiday scheme for disabled children”;
- (e) in the definition of “statement of purpose”, after sub-paragraph (e) insert—

- “(f) in relation to a holiday scheme for disabled children, the written statement required in relation to the scheme in accordance with regulation 3 of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013;”
3. Except in regulation 7(5), after “in respect of a children’s home”, wherever the words occur, insert “or holiday scheme for disabled children”.
4. After “premises to be used by an establishment”, in both places where the words occur, insert “or for the purposes of providing accommodation by a holiday scheme for disabled children”.
5. Except in regulation 13(4)(b) and (d)(iii), after “by the agency”, wherever the words occur, insert “or holiday scheme for disabled children”.
6. In regulation 3 (information and documents to be provided by an applicant)—
- (a) in paragraphs (2) and (4), for “paragraph (5)” substitute “paragraphs (2A) and (5)”; and
  - (b) after paragraph (2) insert—

“(2A) Where a person seeking to be registered as a person carrying on a holiday scheme for disabled children is unable to provide the full information in respect of any of the matters set out in—

    - (a) paragraphs 9A, 10, 13, 14, 15 or 17 of Schedule 1;
    - (b) paragraphs 1, 3 or 5 of Schedule 4,

that person must provide such information or documents as are available and required by those provisions at the time of the application.”.
7. In regulation 6 (information as to staff engaged after application made) and after the first occurrence of the words in paragraph 19 of Schedule 1, after “for the purposes of the agency” insert “or holiday scheme for disabled children”.
8. In regulation 7(1) (registers)—
- (a) omit—
    - (i) “establishments and agencies”;
    - (ii) in sub-paragraph (d), “and”;
  - (b) after “agencies” in sub-paragraph (e) insert—

“(f) holiday schemes for disabled children”.
9. In regulation 8 (contents of certificate)—
- (a) in paragraph (e), after “Act” insert “or the description of the holiday scheme for disabled children”;
  - (b) after “the agency” in paragraph (k) insert—

“(l) in the case of a holiday scheme for disabled children, the address of the principal office used to carry out the administration of the scheme, if different from the address at paragraph (b)”.
10. In regulation 10(3)(c)(i) (application for variation or removal of a condition) after “for the purposes of an agency” insert “or for the purposes of the provision of accommodation by a holiday scheme for disabled children”.
11. In regulation 13(4) (application for cancellation of registration)—
- (a) in sub-paragraph (d)(iii), after “situated”; and
  - (b) in sub-paragraph (e)(iii), after “local authority”,

insert “or, in the case of a holiday scheme for disabled children, the local authority where the principal office used to carry out the administration of the scheme is located”.

**12.** In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment or agency)—

- (a) in paragraph 5, after “agency” insert “or of the principal office used to carry out the administration of the holiday scheme for disabled children”;
- (b) in paragraph 6, after “more than one site” insert “, or where the holiday scheme for disabled children provides accommodation at more than one site,”;
- (c) in paragraph 7, after “the Act”, insert “or the description of the holiday scheme for disabled children”;
- (d) after paragraph 9, insert—

**“9A.** A statement as to the care and accommodation which are to be provided by the holiday scheme for disabled children and, if accommodation is to be provided at more than one site, a statement in respect of each site.”;

- (e) in paragraph 10, after “sites” insert “and, in relation to a holiday scheme for disabled children, details of any travel arrangements between sites used by the scheme to provide care and accommodation to children”;
- (f) in paragraph 13—
  - (i) in sub-paragraph (a), after “establishment” insert “or for the purposes of providing accommodation by a holiday scheme for disabled children”;
  - (ii) in sub-paragraph (b), after “located” insert—
    - “(c) in respect of a holiday scheme for disabled children, the dates on which the scheme will be providing care and accommodation for children in those premises”;
- (g) in paragraph 14(b), for “paragraph 9” substitute “paragraphs 9 or, as the case may be, 9A”;
- (h) in paragraph 16, after “the Act” insert “or any other holiday scheme for disabled children”;
- (i) in paragraph 18, after “establishment” insert “or in premises used to provide accommodation by the holiday scheme for disabled children”;
- (j) in paragraphs 19(a) and 20, after “resident in the premises used” insert “to provide accommodation by the holiday scheme for disabled children or used”.

**13.** In paragraph 8 of Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment or agency) after “agency” insert “or, in relation to a holiday scheme for disabled children, of the principal office used to carry out the administration of the scheme”.

**14.** In Schedule 4 (information to be supplied on an application for registration in respect of a children’s home)—

- (a) in paragraph 1, after “children’s home” insert “or holiday scheme for disabled children”;
- (b) in paragraph 3, after “children’s home” insert “or by the holiday scheme for disabled children”;
- (c) in paragraph 6, after “observance” insert “in the children’s home”;
- (d) in paragraph 8, after “children’s home” insert “or from any premises used by the holiday scheme for disabled children to provide accommodation for disabled children”;
- (e) in paragraph 9, after “children’s home” insert “or accommodated by the holiday scheme for disabled children”;

- (f) in paragraphs 10 and 11, after “accommodated” insert “in the children’s home”;
- (g) in paragraph 13, after “guide” insert “of the children’s home”.

15. In paragraph 3 of Schedule 5 (particulars to be recorded in the registers kept by the CI), after “establishment or agency” insert “or of the principal office used to carry out the administration of the holiday scheme for disabled children”.

## SCHEDULE 10

Regulation 39

### Transitional Provisions

1. In this Schedule, “registered manager” and “registered provider”, in relation to a children’s home, have the meaning given in regulation 2 (interpretation) of the Children’s Homes Regulations 2001.

2. This paragraph applies where, immediately before 1st July 2013, a person was—
- (a) a registered provider; or
  - (b) a registered manager,

in respect of a children’s home that satisfied the definition of a scheme and was carried on solely as such.

3. Where paragraph 2(a) applies, the person who was a registered provider in respect of the children’s home may carry on the scheme as if it were a children’s home under Part 2 of the Act until 31st December 2013 if—

- (a) that person notifies HMCI in writing of—
  - (i) their wish to cancel their registration in respect of the home and instead to be registered in respect of a scheme under Part 2 of the Act;
  - (ii) the address at which the scheme is to provide accommodation for children or, if accommodation is to be provided at more than one site, the address of each site;
  - (iii) the dates, in respect of each site, during which the scheme is to provide that accommodation;
  - (iv) their agreement to notify HMCI in writing, without delay, of any change to the information in sub-paragraphs (ii) or (iii); and
- (b) HMCI receives that notification before 1st August 2013.

4. This paragraph applies where—

- (a) paragraph 2(b) applies; and
- (b) HMCI receives a notification in accordance with paragraph 3.

5. Where paragraph 4 applies, the person who was a registered manager in respect of the children’s home may continue to manage the scheme as if it were a children’s home under Part 2 of the Act until 31st December 2013 if—

- (a) that person notifies HMCI in writing of their wish to cancel their registration in respect of the home and instead to be registered as the manager in respect of a scheme under Part 2 of the Act; and
- (b) HMCI receives that notification before 1st August 2013.

6. HMCI may treat—

- (a) a notification provided in accordance with paragraph 3 or 5 as an application for—

- (i) the cancellation of the registration of the registered provider and, as the case may be, the registered manager in respect of the children’s home;
    - (ii) the registration of the registered provider and, as the case may be, the registered manager of that children’s home in respect of the scheme;
  - (b) notification of the matters in paragraph 3(a)(ii) and (iii) as conditions which have been agreed with the applicant for the purposes of section 19 (notice of decisions) of the Act.
7. This paragraph applies where—
- (a) paragraph 2 applies; and
  - (b) HMCI receives a notification in accordance with paragraph 3 or 5.
8. Where paragraph 7 applies—
- (a) section 11(1) of the Act (requirement to register) does not apply until 1st January 2014;
  - (b) the requirement under section 12(2) of the Act that an application for registration must be accompanied by a fee does not apply;
  - (c) the first annual fee in respect of the scheme, under section 16(3) of the Act, is to be required on the anniversary of the date on which the last annual fee was paid in respect of the children’s home that was carried on by the registered provider;
  - (d) HMCI may credit an annual fee excess proportion to the registered provider in respect of the scheme, and—
    - (i) “annual fee excess” means the amount, if any, by which the last annual fee that was paid in respect of the children’s home exceeds the annual fee that is payable on 1st July 2013 in respect of a scheme; and
    - (ii) “proportion” means that part of the annual fee excess which relates to the period from the date of the notification provided in accordance with paragraph 3 until the date on which the scheme’s first annual fee is required pursuant to sub-paragraph (c);
  - (e) regulation 13 (application for cancellation of registration) of the Care Standards Act 2000 (Registration) (England) Regulations 2010 does not apply.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about the conduct, management and regulation of holiday schemes for disabled children (“schemes”).

Regulations 3 and 4 provide that each scheme must have a statement of purpose consisting of the matters set out in Schedule 1. The scheme must be carried on in a manner which is consistent with the statement of purpose.

Part 2 makes provision about persons who provide or manage schemes, including provisions about the fitness and training of such persons.

Part 3 makes provision about the conduct of schemes, in particular as to child protection, welfare, health, arrangements for contact, the management of behaviour and discipline, and the use of

surveillance devices. Provision is also made about the staffing of schemes, and the fitness of employees, and about complaints, record keeping and notification of the events listed in Schedule 5.

Part 4 makes provision about the suitability of premises, and the fire precautions to be taken.

Part 5 deals with the management of schemes. Regulation 29 requires the registered provider to visit the scheme as prescribed, and regulation 30 requires the registered person to monitor the matters set out in Schedule 6 relating to the quality of care provided by the scheme.

Part 6 deals with the giving of notices to Her Majesty's Chief Inspector of Education, Children's Services and Skills.

Part 7 deals with miscellaneous matters, including amendments to other regulations and transitional provisions.

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk).