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**Quality standards for children’s homes**

**4.** The following standards (“the quality standards”) are prescribed for the purposes of section 22(1A) of the Care Standards Act 2000 in relation to children’s homes:-

(a) the quality and purpose of care standard (regulation 6);

(b) the children’s views, wishes and feelings standard (regulation 7);

(c) the education standard (regulation 8);

(d) the enjoyment and achievement standard (regulation 9);

(e) the health and well-being standard (regulation 10);

(f) the positive relationships standard (regulation 11);

(g) the protection of children standard (regulation 12);

(h) the leadership and management standard (regulation 13);

(i) the care planning standard regulation 14).

**The Guide**

The Guide attempts to signpost to publications, research and guidance of interest. Such references are not intended to be exhaustive. It remains the responsibility of those running children’s homes to seek out the relevant material to ensure that they comply with the law and provide children with the best possible care.

#### Engaging with the wider system to ensure children’s needs are met

#### Regulation 5 is overarching; meaning is it relevant across all the Quality Standards. It sets out the requirement that children’s homes must seek to work with those in the wider system to ensure that each child’s needs are met.

#### No children’s home will be able to meet, on its own, all of a child’s needs. It is crucial that the home works in close partnership with all those who play a role in protecting and caring for the child but particularly, the child’s local authority and statutory social worker. The registered person and the staff of the home cannot force a relevant person to engage or work productively with them and the regulation does not require this. The registered person should evidence what they have done to achieve engagement, including any actions taken to escalate concerns.

**5.** In meeting the quality standards, the registered person must, and must ensure that staff:-

(a) seek to involve each child’s placing authority effectively in the child’s care, in accordance with the child’s relevant plans;

(b) seek to secure the input and services required to meet each child’s needs;

(c) if the registered person considers, or staff consider, a placing authority’s or a relevant person’s performance or response to be inadequate in relation to their role, challenge the placing authority or the relevant person to seek to ensure that each child’s needs are met in accordance with the child’s relevant plans; and

(d) seek to develop and maintain effective professional relationships with such persons, bodies or organisations as the registered person considers appropriate having regard to the range of needs of children for whom it is intended that the children’s home is to provide care and accommodation.

**Relevant plans** = any placement plan; any care plan; any statement of special educational needs; any education, health and care plan; detention placement plan or similar.

A child may not have all of the plans defined as ‘relevant… providers should not feel obliged to make a plan apply where it does not. **The essential point is that a child’s plans should form the basis of their care, and providers should use their judgement as to what is relevant in each case,** taking the plans listed in the definition in the Regulations as a starting point rather than a complete list or a tick-box exercise.

**Relevant person** = Any person, body or organisation who the registered person considers to be relevant in relation to the care, protection or safeguarding of a particular child living in the home in all the circumstances.

**‘seek to involve’ the placing authority that places a looked-after child in the home** = means working primarily with their statutory social worker… strong working relationship.

There are others… The important thing is that **homes take the initiative in identifying others, who must play a part for their children and engage with those relevant people proactively, advocating for the children in their care.**

Where the placing authority or another relevant person **does not provide the input and services needed to meet a child’s needs during their time in the home or in preparation for leaving the home, the home must challenge them to meet the child’s needs** (see regulations 5(c)). **Staff should act as champions for their children, expecting nothing less than a good parent would**. The registered person should consider the use of an independent advocate (see paragraph 4.16) if the child’s needs are not being met.

Homes must be:-

**promoting the best interests of the child, proactively advocating for the child to ensure that others play their role and deliver the high quality support that is needed.** Such partnership working should always take place: before a child arrives; while the child lives in the home and where the child prepares to return home, move to another setting or leave care. Where a placement is made in an emergency, the registered person should quickly engage with relevant persons to provide the best immediate care.

#### The quality and purpose of care standard

**6.**(1) The quality and purpose of care standard is that children receive care from staff who:-

(a) understand the children’s home’s overall aims and the outcomes it seeks to achieve for children;

(b) use this understanding to deliver care that meets children’s needs and supports them to fulfil their potential.

(2) In particular, the standard in paragraph (1) requires the registered person to:-

(a) understand and apply the home’s statement of purpose;

(b) ensure that staff:-

(i) understand and apply the home’s statement of purpose;

(ii) protect and promote each child’s welfare;

(iii) treat each child with dignity and respect;

(iv) provide personalised care that meets each child’s needs, as recorded in the child’s relevant plans, taking account of the child’s background;

(v) help each child to understand and manage the impact of any experience of abuse or neglect;

(vi) help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult;

(vii) provide to children living in the home the physical necessities they need in order to live there comfortably;

(viii) provide to children personal items that are appropriate for their age and understanding; and

(ix) make decisions about the day-to-day arrangements for each child, in accordance with the child’s relevant plans, which give the child an appropriate degree of freedom and choice;

(c) ensure that the premises used for the purposes of the home are designed and furnished so as to:-

(i) meet the needs of each child; and

(ii) enable each child to participate in the daily life of the home; and

(d) ensure that any care that is arranged or provided for a child that:-

(i) relates to the child’s development (within the meaning of section 17(11) of the Children Act 1989) or health; and

(ii) is not arranged or provided as part of the health service continued under section 1(1) of the National Health Service Act 2006([**1**](http://www.legislation.gov.uk/uksi/2015/541/regulation/6/made#f00023)), satisfies the conditions in paragraph (3).

(3) The conditions are:-

(a) that the care is approved, and kept under review throughout its duration, by the placing authority;

(b) that the care meets the child’s needs;

(c) that the care is delivered by a person who:-

(i) has the experience, knowledge and skills to deliver that care; and

(ii) is under the supervision of a person who is appropriately skilled and qualified to supervise that care; and

(d) that the registered person keeps the child’s general medical practitioner informed, as necessary, about the progress of the care throughout its duration.

‘personalised care’ = meets needs and promotes their welfare - gender, religion, ethnicity, cultural and linguistic background, sexual identity, mental health, disability, assessed needs, previous experiences and any relevant plans.

‘physical necessities’ - includes but is not limited to, a clean environment, continuous access to drinking water, varied and nutritious food, clothing, hot water, bedding and so on.

‘resilience’ - qualities that enable a child to cope with and withstand challenges and difficulties, both mentally and emotionally.

importance of understanding who we are and where we come from is recognised in good social work practice, for example through undertaking life story work or other direct work.

**Supervision**

The registered person must have systems in place so that all staff, including the manager, receives supervision of their practice from an appropriately qualified and experienced professional, which allows them to reflect on their practice and the needs of the children assigned to their care.

**Keep record of content or outcomes**

**Statement of purpose**

**16.**(1) The registered person must compile, in relation to the children’s home, a statement (“the statement of purpose”) which covers the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to HMCI and make a copy of it available upon request to:-

(a) a person who works at the home;

(b) a child, or a child for whom accommodation in the home is being considered;

(c) a parent of a child, or a parent of a child for whom accommodation in the home is being considered;

(d) a child’s placing authority; and

(e) in the case of a qualifying school, the Secretary of State.

(3) The registered person must:-

(a) keep the statement of purpose under review and, where appropriate, revise it; and

(b) notify HMCI of any revisions and send HMCI a copy of the revised statement within 28 days of the revision.

(4) If a home has a website, the registered person must ensure that a copy of the statement of purpose is published on that website, unless the registered person considers that such publication would prejudice the welfare of children in the home.

(5) Subject to paragraph (6), the registered person must ensure that the home is, at all times, conducted in a manner which is consistent with its statement of purpose.

(6) Nothing in paragraph (5) or regulation 46 (review of premises) requires or authorises the registered person to contravene or not comply with:-

(a) any other provision of these Regulations; or

(b) any conditions in relation to the registration of the registered person under Part 2 of the Care Standards Act 2000.

**Regulation 16**

## SCHEDULE 1

## Matters to be included in the Statement of Purpose

### Quality and purpose of care

**1.** A statement of the range of needs of the children for whom it is intended that the children’s home is to provide care and accommodation.

**2.** Details of the home’s ethos, the outcomes that the home seeks to achieve and its approach to achieving them.

**3.** A description of the accommodation offered by the home, including:-

(a) how accommodation has been adapted to the needs of children;

(b) the age range, number and sex of children for whom it is intended that accommodation is to be provided; and

(c) the type of accommodation, including sleeping accommodation.

**4.** A description of the location of the home.

**5.** The arrangements for supporting the cultural, linguistic and religious needs of children.

**6.** Details of who to contact if a person has a complaint about the home and how that person can access the home’s complaints policy.

**7.** Details of how a person, body or organisation involved in the care or protection of a child can access the home’s child protection policies or the behaviour management policy.

### Views, wishes and feelings

**8.** A description of the home’s policy and approach to consulting children about the quality of their care.

**9.** A description of the home’s policy and approach in relation to:-

(a) anti-discriminatory practice in respect of children and their families; and

(b) children’s rights.

### Education

**10.** Details of provision to support children with special educational needs.

**11.** If the home is registered as a school, details of the curriculum provided by the home and the management and structure of the arrangements for education.

**12.** If the home is not registered as a school, the arrangements for children to attend local schools and the provision made by the home to promote children’s educational achievement.

### Enjoyment and achievement

**13.** The arrangements for enabling children to take part in and benefit from a variety of activities that meet their needs and develop and reflect their creative, intellectual, physical and social interests and skills.

### Health

**14.** Details of any healthcare or therapy provided, including:-

(a) details of the qualifications and professional supervision of the staff involved in providing any healthcare or therapy; and

(b) information about how the effectiveness of any healthcare or therapy provided is measured, the evidence demonstrating its effectiveness and details of how the information or the evidence can be accessed.

Regulated activity = HCPC or relevant professional body, safe and appropriate.

It is good practice for all of those involved in the healthcare of a child, including consultants and /or health professionals to be kept informed of the progress of the care at appropriate intervals.

See The CQC and Ofsted guidance, Registration of healthcare at children's homes.

### Positive relationships

**15.** The arrangements for promoting contact between children and their families and friends.

### Protection of children

**16.** A description of the home’s approach to the monitoring and surveillance of children.

**17.** Details of the home’s approach to behavioural support, including information about:-

(a) the home’s approach to restraint in relation to children; and

(b) how persons working in the home are trained in restraint and how their competence is assessed.

### Leadership and management

**18.** The name and work address of:-

(a) the registered provider;

(b) the responsible individual (if one is nominated); and

(c) the registered manager (if one is appointed).

**19.** Details of the experience and qualifications of staff, including any staff commissioned to provide education or health care.

**20.** Details of the management and staffing structure of the home, including arrangements for the professional supervision of staff, including staff that provide education or health care.

**21.** If the staff are all of one sex, or mainly of one sex, a description of how the home promotes appropriate role models of both sexes.

### Care planning

**22.** Any criteria used for the admission of children to the home, including any policies and procedures for emergency admission.

Care for the child and value them as an individual.

How the home provides individualised care to meet the Quality Standards for the children in their care.

Matching needs to provision – home is the right one for that child, and that the home will be able to respond effectively to the child’s assessed needs.

Nurturing environment - welcoming, supportive, appropriate boundaries in relation to their behaviour… in most cases, be homely, domestic environments - comply with relevant health and safety legislations (alarms, food hygiene etc.) but without ‘institutional’.

Meet children’s basic day to day needs and physical necessities… in the way that a good parent would be involved in choosing and preparing meals and opportunities to sit together and eat.

Staff aware of and able to support needs that stem from trauma, neglect and abuse… a particular type of care, treatment or intervention (for example therapy relating to neglect or abuse). The care staff will need to understand the purpose of any such care and the way in which the past experiences of abuse or neglect may manifest itself in the day to day life of the child.

**Monitoring and surveillance**

**24.**(1) The registered person may only use devices for the monitoring or surveillance of children if:-

(a) the monitoring or surveillance is for the purpose of safeguarding and promoting the welfare of the child concerned, or other children;

(b) the child’s placing authority consents, in writing, to the monitoring or surveillance;

(c) so far as reasonably practicable in the light of the child’s age and understanding, the child is informed in advance of the intention to do the monitoring or surveillance; and

(d) the monitoring or surveillance is no more intrusive than necessary, having regard to the child’s need for privacy.

(2) This regulation is subject to any monitoring or surveillance requirements imposed by a court.

Any home using CCTV or other monitoring equipment should have a written policy describing how this will support the safeguarding and well-being of those living and working in the home, in accordance with regulation 24. Homes must gain consent to any monitoring or surveillance by the placing authority, in writing, at the time of placement. The use of CCTV is regulated by the Protection of Freedoms Act 2012 and the Surveillance Camera Code of Conduct (Home Office 2013).

**Privacy and access**

**21.** The registered person must ensure that:-

(a) the privacy of children is appropriately protected;

(b) children can access all appropriate areas of the children’s home’s premises; and

(c) any limitation placed on a child’s privacy or access to any area of the home’s premises:-

(i) is intended to safeguard each child accommodated in the home;

(ii) is necessary and proportionate;

(iii) is kept under review and, if necessary, revised; and

(iv) allows children as much freedom as is possible, when balanced against the need to protect them and keep them safe.

Can spend time away from other group members.

Own (shared if siblings of same sex) bedroom with appropriate furniture, such as a lockable cabinet or drawers to securely store personal items, including any personal information - given a choice about how their personal space is decorated in accordance.

Staff should respect children’s privacy and support the other children living in the home to do so. Enter bedroom by permission – cleaning.

Room searches - informed or by permission. Immediate searching, where reasonable grounds for believing that there is a risk to the child’s or another person’s safety or well-being.

An appropriate degree of freedom and choice in relation to day to day arrangements for their care, depending on their individual needs and the setting in which they are cared for. Where a child’s preferences are unreasonable or cannot be met for safeguarding reasons, staff should discuss this with the child to help them understand why.

To maintain and develop their cultural or religious beliefs, as far as practicable and where appropriate, through participation and instruction, and by observing religious requirements, including dress and diet.

In an area that supports children’s safety, well-being and personal development. The location of the home should support its aims, objectives and ethos, as described in the Statement of Purpose.

Should include any necessary adaptation to meet disability.

Enable children to develop independence skills within the supportive environment of the home, including through encouraging independent use of kitchen and laundry areas.

Provide staff that sleep in the home overnight with appropriate accommodation and facilities to do so.

Must help each child to prepare for any moves from the home, whether they are returning home, moving to another placement or adult care, or to live independently, includes, emotional and mental resilience to cope without the home’s support and, where the child is moving to live independently, practical skills such as cooking, housework, budgeting and personal self-care THUS home will have a day to day understanding of young people’s capabilities and needs (ABAS)

#### The children’s views, wishes and feelings standard

#### Staff should have the skills and confidence to communicate easily and understand the importance of listening to, involving and responding to the children they care for. Staff should understand that they have a responsibility to observe, notice and respond to children who are expressing their views, acknowledging that it is not the sole responsibility of the child to ‘tell’. They should also understand how children might communicate their feelings through their behaviour, or non-verbally especially where the child has a disability which does not allow them to communicate as others might.

**7.**(1) The children’s views, wishes and feelings standard is that children receive care from staff who:-

(a) develop positive relationships with them;

(b) engage with them; and

(c) take their views, wishes and feelings into account in relation to matters affecting the children’s care and welfare and their lives.

(2) In particular, the standard in paragraph (1) requires the registered person to:-

(a) ensure that staff:-

(i) ascertain and consider each child’s views, wishes and feelings, and balance these against what they judge to be in the child’s best interests when making decisions about the child’s care and welfare;

(ii) help each child to express views, wishes and feelings;

Supporting the child and enabling a clear understanding to be reached about the child’s views, wishes, feelings, and expectations for their future.

(iii) help each child to understand how the child’s views, wishes and feelings have been taken into account and give the child reasons for decisions in relation to the child;

(iv) regularly consult children, and seek their feedback, about the quality of the home’s care;

(v) help each child to understand how the child’s privacy will be respected and the circumstances when it may have to be limited;

(vi) help each child to prepare for any review of the child’s relevant plans and to make the child’s views, wishes and feelings known for the purposes of that review; and

(vii) make each child aware of and, if necessary, remind them of each of the matters in sub-paragraph (d)(i) to (iii);

(b) ensure that each child:-

(i) is enabled to provide feedback to, and raise issues with, a relevant person about the support and services that the child receives;

(ii) has access to the home’s children’s guide, and the home’s complaints procedure, when the child’s placement in the home is agreed and throughout the child’s stay in the home; and

(iii) is given appropriate advocacy support;

(c) keep the children’s guide and the home’s complaints procedure under review and seek children’s comments before revising either document;

(d) ensure that an explanation is given to each child, as soon as reasonably practicable, after the child’s arrival about:-

(i) the children’s guide;

(ii) how to make a complaint or representations in relation to the home or the care the child receives and how any such complaint or representations will be dealt with; and

(iii) what advocacy support or services are available to the child, how the child may access that support or those services and any entitlement the child may have to independent advocacy provision; and

(e) ensure that the views of each relevant person are taken into account, so far as reasonably practicable, before making a decision about the care or welfare of a child.

#### ‘Positive relationships’ = consistency and unconditional positive regard for the child on the part of the carer; the carer acknowledges the importance of understanding and responding to the child’s lived experience of care. Positive, stable relationships help the child to feel secure and cared about and for.

#### Communication needs

#### 4.9 In some instances, a child may express wishes that are not always in their best interests or which may conflict with the views of other children in the home. In such circumstances, the responsible adults will have to balance the wishes of the child against what they judge to be in the best interests of the child and reach a reasonable view about the best way forward in the interests of all. The reasons for reaching any decision will need to be carefully explained to and understood by the child or children concerned.

#### Consult regularly –young people be able to see difference their views’ make.

#### Confidentiality – limits of

**Complaints and representations**

**39.**(1) Subject to paragraph (6), the registered person must establish a procedure for considering complaints made by or on behalf of children.

(2) In particular, the procedure must provide that no person, who is the subject of a complaint, takes any part in its consideration or investigation, except at the informal resolution stage, if the registered person considers it appropriate.

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

(4) The registered person must ensure that no child is subject to any reprisal for making a complaint or representation.

(5) 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 response to each complaint.

(6) This regulation (apart from paragraph (4)) does not apply to any matter to which the Children Act 1989, Representations Procedure (England) Regulations 2006 apply.

#### Share concerns, make complaint, aware of policy - reminders

#### Engage with their local Children in Care Council

#### 4.16 All children must have access to appropriate advocacy support and where possible, this should be provided by a person that the child chooses. Looked-after children are entitled to an independent advocate to advise them and ensure they have the support needed to express their views, wishes and feelings about their care and live. Independent advocates can support both the child and the home to seek redress of issues which affect them, such as lack of contact with their social worker, contact with family and leaving care grants, in addition to issues about their care within the home.

#### Get it Sorted (2004) Guidance on providing effective advocacy services for children and young people making a complaint under the Children Act 1989.

#### The children’s guide should to help children to understand:-

#### • what the day to day routines of the home are (‘what happens in the home’)

#### • the Statement of Purpose of the home (the care they can expect to receive while living there);

#### • how to make a complaint in line with the home’s complaints procedure;

#### • how they can access advocacy support or independent advocacy if eligible; and

#### • how to contact the Office of the Children’s Commissioner re rights and entitlements.

#### The education standard

**8.**(1) The education standard is that children make measurable progress towards achieving their educational potential and are helped to do so.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure:-

(a) that staff:-

(i) help each child to achieve the child’s education and training targets, as recorded in the child’s relevant plans;

(ii) support each child’s learning and development, including helping the child to develop independent study skills and, where appropriate, helping the child to complete independent study;

(iii) understand the barriers to learning that each child may face and take appropriate action to help the child to overcome any such barriers;

(iv) help each child to understand the importance and value of education, learning, training and employment;

(v) promote opportunities for each child to learn informally;

(vi) maintain regular contact with each child’s education and training provider, including engaging with the provider and the placing authority to support the child’s education and training and to maximise the child’s achievement;

(vii) raise any need for further assessment or specialist provision in relation to a child with the child’s education or training provider and the child’s placing authority;

(viii) help a child who is excluded from school, or who is of compulsory school age but not attending school, to access educational and training support throughout the period of exclusion or non-attendance and to return to school, as soon as possible;

(ix) help each child who is above compulsory school age to participate in further education, training or employment and to prepare for future care, education or employment;

(x) help each child to attend education or training in accordance with the expectations in the child’s relevant plans; and

(b) that each child has access to appropriate equipment, facilities and resources to support the child’s learning.

‘Measureable progress’ **(!!!)** 5.2 Progress in education can be measured and evidenced in various ways, including but not limited to: success in academic, vocational and other awards and qualifications; other formal attainment tests that are part of national assessment arrangements; and teachers’ ongoing assessments. Measurements of progress should include qualitative information, such as how well the child is being prepared for their next stage of education, training or employment, and quantitative data where available. Other metrics can also be taken into account such as rewards and recognition of achievements, improvements in attendance and, where appropriate, reduction in behavioural incidents including exclusion. The child’s personal circumstances, individual needs and educational history are relevant in considering what might constitute progress; but should not limit aspirations for them.

5.3 **For some children who have experienced severe trauma, have mental health difficulties or have been excluded or out of education for significant periods,** **it may be necessary to address and work through their past experiences and present needs before they can positively participate in learning activities and formal education**. Staff in children’s homes will play a key role in supporting these children, in line with their personal education plan or EHC plan and recommendations from education and health professionals.

See also 5.14 Children should be in full-time education whilst they are of compulsory school age, **unless their personal education plan contained within the care plan or other relevant plan states otherwise**. The home must aim to support full time attendance at school, **unless the child’s relevant plan indicates this is not in their best interests.**

**If excluded, or are not on a school** roll for some other reason, the registered person and staff must work closely with the placing authority so that the child is supported and enabled to resume full-time education, as soon as possible. In the interim, the child should be supported to sustain or regain their confidence in education and be engaged in suitable structured activities. If no education place is identified by the placing authority, the registered person must challenge them to meet the child’s needs under regulation 5 (engaging with the wider system to ensure children’s needs are met.

Specialist support children may need to be able to engage positively and achieve in education.

5.18 The ethos of the home should support each child to learn, emphasising the value of independent study and reading for enjoyment. The home must make available suitable facilities, equipment and resources for learning and ensure that the home’s routines do not form barriers to children wishing to use the homes resources to study. Staff must support children with home study by encouraging them to learn independent study skills and helping them to practice those skills.

5.19 Children should have access to a computer and the internet to support their education and learning, unless there are specific safeguarding reasons why this would be inappropriate. In such cases, the home should consider whether and how it can support the child to access a computer and the internet safely.

5.5 Local authorities have a duty under section 22(3A) of the Children Act 1989, to promote the educational achievement of their looked-after children, which includes, as set out in guidance, seeking a school or other education setting that is best suited to the child’s needs. The local authorities’ responsibilities as corporate parent apply wherever the child is placed.

5.7 When commissioning a placement in a children’s home, the placing authority must establish how the home will support the child’s educational needs. In accordance with regulation 5 (engaging with the wider system to ensure children’s needs are met), homes must have proactive relationships with appropriate schools and educational support services. The home should have processes that enable staff to share their experience and understanding of the child’s educational needs and progress with other services.

Delegated responsibilities – the residential care worker may be deemed a parent for the purposes of education law. This means that they should be treated like a parent with respect to information provided by a school about the child’s progress; should be invited to meetings about the child; and should be able to give consent to decisions regarding school activities and trips, unless there are good reasons not to delegate these decisions to them.

So staff should have an understanding of how schools function, including the processes for admission to schools, the role of designated teachers for looked-after children and the role of the Virtual School Head.

AND if a child’s progress is not in line with their agreed targets or next steps, staff should seek expert advice from education professionals, such as the Virtual School Head, SENCO, learning mentor or teacher. Staff must challenge the child’s education or training provider if the child does not receive sufficient support to progress, as outlined in their relevant plans.

5.12 Children’s home staff should act as effective advocates for, or on behalf of a child who may be experiencing difficulties with education or training matters including, but not limited to, attainment, admissions, attendance or behaviour, as a good parent would do.

Necessary support is given to children to enable them to access their education or training. Support may include, for example, putting in place practical arrangements such as transporting the child to school, support by staff to learn how to use public transport confidently and safely, or the use of technology to connect with on-line learning.

#### If you are a school - mutually supportive and reinforcing approach between the two aspects of provision that is centred round the child. The two aspects of provision should be able to challenge each other, where necessary. The home should have processes in place to ensure this is the case.

#### The enjoyment and achievement standard

6.7 The home’s staff should recognise and celebrate the achievements of their children.

**9.**(1) The enjoyment and achievement standard is that children take part in and benefit from a variety of activities that meet their needs and develop and reflect their creative, cultural, intellectual, physical and social interests and skills.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure:-

(a) that staff help each child to:-

(i) develop the child’s interests and hobbies;

(ii) participate in activities that the child enjoys and which meet and expand the child’s interests and preferences; and

(iii) make a positive contribution to the home and the wider community; and

(b) that each child has access to a range of activities that enable the child to pursue the child’s interests and hobbies.

Delegated authority to the registered person should include clarity on the home’s ability to give permission for school trips, sleep-overs or the child’s involvement in sporting, leisure and cultural activities - support children to be involved in the same positive activities as their peers.

‘Statutory guidance on entrusting decision making to carers of looked-after children’ contains further information.

Identify and provide appropriate opportunities inside and outside the home for children to develop themselves, in accordance with their wishes and feelings and as part of the home’s plan for their care. Each child’s talents and interests should be understood and nurtured, with children selecting activities based on their personal preferences and abilities, so far as is reasonable. Staff should also support children to try activities that are ‘new’ for them, where appropriate.

Children understand what local leisure and other cultural or religious services are on offer for them, support them to access any relevant leisure passes and encourage them to participate in activities in the community and wider if appropriate.

#### The health and well-being standard

**10.**(1) The health and well-being standard is that—

(a) the health and well-being needs of children are met;

(b) children receive advice, services and support in relation to their health and well-being; and

(c) children are helped to lead healthy lifestyles.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure:-

(a) that staff help each child to:-

(i) achieve the health and well-being outcomes that are recorded in the child’s relevant plans;

(ii) understand the child’s health and well-being needs and the options that are available in relation to the child’s health and well-being, in a way that is appropriate to the child’s age and understanding;

(iii) take part in activities, and attend any appointments, for the purpose of meeting the child’s health and well-being needs; and

(iv) understand and develop skills to promote the child’s well-being;

(b) that each child is registered as a patient with a general medical practitioner and a registered dental practitioner; and

(c) that each child has access to such dental, medical, nursing, psychiatric and psychological advice, treatment and other services as the child may require.

well-being = the quality of a child’s life, physical, emotional and social well-being; both for the immediate and future life of the child. Incorporates happiness, perception of quality of life and life satisfaction, as well as objective measures around supportive personal relationships, education and training resources and health status.

Health plan – Who pays? – what is available, challenge and inform if changes

LAC Nurse.

Psychological, psychiatric, medical.

First aid on shift.

**Medicines**

**23.**(1) The registered person must make arrangements for the handling, recording, safekeeping, safe administration and disposal of medicines received into the children’s home.

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

(a) medicines kept in the home are stored in a secure place so as to prevent any child from having unsupervised access to them;

(b) medicine which is prescribed for a child is administered as prescribed to the child for whom it is prescribed and to no other child; and

(c) a record is kept of the administration of medicine to each child.

(3) Paragraph (2) does not apply to medicine which:-

(a) is stored by the child for whom it is provided in such a way that other persons 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 the patient, under or by virtue of the National Health Service Act 2006 or section 176(3) of the Health and Social Care (Community Health and Standards) Act 2003; 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([**2**](http://www.legislation.gov.uk/uksi/2015/541/regulation/23/made#f00029)).

If safely able to take own – can do so.

See reference guide ‘Managing Medicines in Care Homes’ (March 2014).

Staff should have the relevant skills and knowledge to be able to help children understand, and where necessary work to change negative behaviours in key areas of health and well-being such as, but not limited to, nutrition and healthy diet, exercise, mental health, sexual relationships, sexual health, contraception and use of legal highs, drugs, alcohol and tobacco.

#### The positive relationships standard

**11.**(1) The positive relationships standard is that children are helped to develop, and to benefit from, relationships based on:-

(a) mutual respect and trust;

(b) an understanding about acceptable behaviour; and

(c) positive responses to other children and adults.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure:-

(a) that staff:-

(i) meet each child’s behavioural and emotional needs, as set out in the child’s relevant plans;

(ii) help each child to develop socially aware behaviour;

(iii) encourage each child to take responsibility for the child’s behaviour, in accordance with the child’s age and understanding;

(iv) help each child to develop and practise skills to resolve conflicts positively and without harm to anyone;

(v) communicate to each child expectations about the child’s behaviour and ensure that the child understands those expectations in accordance with the child’s age and understanding;

(vi) help each child to understand, in a way that is appropriate according to the child’s age and understanding, personal, sexual and social relationships, and how those relationships can be supportive or harmful;

(vii) help each child to develop the understanding and skills to recognise or withdraw from a damaging, exploitative or harmful relationship;

(viii) strive to gain each child’s respect and trust;

(ix) understand how children’s previous experiences and present emotions can be communicated through behaviour and have the competence and skills to interpret these and develop positive relationships with children;

(x) are provided with supervision and support to enable them to understand and manage their own feelings and responses to the behaviour and emotions of children, and to help children to do the same;

(xi) de-escalate confrontations with or between children, or potentially violent behaviour by children;

(xii) understand and communicate to children that bullying is unacceptable; and

(xiii) have the skills to recognise incidents or indications of bullying and how to deal with them; and

(b) that each child is encouraged to build and maintain positive relationships with others.

‘bullying’ = behaviour by an individual or group, repeated over time, that intentionally hurts another individual or group either physically or emotionally. Bullying can be in many forms and this standard’s references to bullying cover bullying of any kind or description.

Restraint is defined in regulation 2 and means using force or restricting liberty of movement. Also see regulation 20 and pages 41 to 51 of the Guide in relation to restraint.

**Impact assessment**

Outcomes identified and progress made by children in building relationships and achieving socially acceptable behaviours can be recorded and measured.

Work with youth justice and police services, where children in their care have targets to achieve in reducing offending or socially unacceptable behaviour.

**Contact and access to communications**

**22.**(1) The registered person must ensure that suitable facilities are provided within the children’s home for any child accommodated there, to meet privately at any reasonable time with the child’s parents, friends, relatives or any of the following persons:-

(a) a solicitor or other adviser or advocate acting for the child;

(b) an officer of the Children and Family Court Advisory and Support Service appointed for the child;

(c) a social worker assigned to the child;

(d) a person authorised by HMCI;

(e) a person authorised by the local authority in whose area the home is located;

(f) a person appointed pursuant to section 23ZB (independent visitors for children looked after by a local authority) of the Children Act 1989([**1**](http://www.legislation.gov.uk/uksi/2015/541/regulation/22/made#f00025));

(g) a person authorised in accordance with section 80(2) of the Children Act 1989, by the Secretary of State to conduct an inspection in relation to the home and the children there;

(h) a person appointed under the Children Act 1989 Representations Procedure (England) Regulations 2006([**2**](http://www.legislation.gov.uk/uksi/2015/541/regulation/22/made#f00026));

(i) an independent person visiting the home under regulation 44.

(2) The facilities may be at a different address if a certificate under section 51 of the Children Act 1989([**3**](http://www.legislation.gov.uk/uksi/2015/541/regulation/22/made#f00027)) is in force in relation to the home.

(3) Subject to paragraph (5), the registered person must ensure that children are provided, at all reasonable times ,with access to the following facilities which they may use without reference to persons working in the home:-

(a) a telephone on which to make and receive telephone calls in private; and

(b) facilities to send and receive post and, if the necessary facilities are provided for the use of children, electronic mail, in private.

(4) The registered person must ensure that a disabled child accommodated in the home is provided with access to such aids and equipment as the child may require, as a result of the child’s disability in order to facilitate the child’s communication with other persons.

(5) If the registered person considers it to be necessary for the purpose of safeguarding or promoting the welfare of a child, the registered person may impose conditions, prohibitions or restrictions upon a child’s:-

(a) contact with parents, friends or relatives; or

(b) access to communications under paragraph (3).

(6) No measure may be imposed by the registered person under paragraph (5) unless:-

(a) the child’s placing authority consents to the imposition of the measure; or

(b) the measure is imposed in an emergency, and full details are given to the placing authority within 24 hours of its imposition.

(7) This regulation is subject to any requirements imposed by a court in relation to contact between a child and any other person.

Positive relationships = friends and family, in home and around.

Staff should be skilled in understanding the range of influences that friendships can have and should encourage those with a positive impact and discourage those with a negative impact. Understand and help children to understand what makes a healthy, nurturing relationship. Staff should be skilled to recognise the signs and provide support to children in danger of or involved in exploitative or damaging relationships with others and where possible prevent these types of relationships.

**Positive behaviour**

8.11 Expectations of standards of behaviour should be high for all staff and children in the home. These standards should be clear and unambiguous. Children should be supported to develop understanding and empathy towards each other. Positive behaviour and relationships should be reinforced, praised and encouraged; poor behaviour should be challenged and discussed. The development of safe, stable and secure relationships with staff in the home should be central to the ethos of the home and support the development of secure attachments that, where appropriate, persist over time.

Staff – use supervision to support constructive dialogue

Intervene, protect and address bullying behaviours effectively.

#### The protection of children standard

#### A strong safeguarding culture in the home where children are listened to, respected and involved in, both the development of the home and decisions about the home.

#### Build positive relationships with children in the home and develop a culture of openness and trust that encourages them to be able to tell someone if they have concerns or worries about their safety.

#### 9.9 Children must feel safe and be safe. Staff should support children to be aware of and manage their own safety both inside and outside the home to the extent that any good parent would. Staff should help children to understand how to protect themselves, feel protected and be protected from significant harm.

#### Staff need the knowledge and skills to recognise and be alert for any signs that might indicate a child is in any way at risk of harm. The registered person should ensure that skills in safeguarding are gained, refreshed and recorded in the homes workforce plan.

**12.**(1) The protection of children standard is that children are protected from harm and enabled to keep themselves safe.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure:-

(a) that staff:-

(i) assess whether each child is at risk of harm, taking into account information in the child’s relevant plans, and, if necessary, make arrangements to reduce the risk of any harm to the child;

(ii) help each child to understand how to keep safe;

(iii) have the skills to identify and act upon signs that a child is at risk of harm;

(iv) manage relationships between children to prevent them from harming each other;

(v) understand the roles and responsibilities in relation to protecting children that are assigned to them by the registered person;

(vi) take effective action whenever there is a serious concern about a child’s welfare; and

(vii) are familiar with, and act in accordance with, the home’s child protection policies;

(b) that the home’s day-to-day care is arranged and delivered so as to keep each child safe and to protect each child effectively from harm;

(c) that the premises used for the purposes of the home are located, so that children are effectively safeguarded;

(d) that the premises used for the purposes of the home are designed, furnished and maintained so as to protect each child from avoidable hazards to the child’s health; and

(e) that the effectiveness of the home’s child protection policies is monitored regularly.

**Policies for the protection of children**

34.(1) The registered person must prepare and implement a policy which:-

(a) is intended to safeguard children accommodated in the children’s home from abuse or neglect; and

(b) sets out the procedure to be followed in the event of an allegation of abuse or neglect.

(2) The procedure to be followed in the event of an allegation of abuse or neglect must, in particular:-

(a) provide for liaison and co-operation with any local authority which are, or may be, making a child protection enquiry in relation to a child accommodated in the home;

(b) provide for the prompt referral of an allegation about current or ongoing abuse or neglect in relation to a child to the placing authority and, if different, the local authority in whose area the home is located;

(c) provide for the prompt referral of an allegation about past abuse or neglect in relation to a child to the placing authority and, if different, the local authority in whose area the alleged abuse or neglect occurred;

(d) provide for records to be kept of an allegation of abuse or neglect, and the action taken in response;

(e) describe the measures which may be necessary to protect children following an allegation of abuse or neglect; and

(f) describe how and to whom staff are to report, without delay, any concern about abuse or neglect of a child.

(3) The registered person must prepare and implement a policy for the prevention of bullying in the home, which must in particular set out the procedure for dealing with an allegation of bullying.

(4) The registered person must prepare and implement a policy (“the missing child policy”) setting out:-

(a) the steps taken, and to be taken, to prevent children from being absent without permission; and

(b) the procedures to be followed, and the roles and responsibilities of persons working at the home, in relation to a child who is, or has been, so absent.

(5) Before implementing, or making an amendment which the registered person considers to be substantive to, the missing child policy, the registered person must:-

(a) consult, and take into account the views of, each relevant person; and

(b) have regard to any relevant local authority or police protocols on missing children.

(6) The registered person must keep under review and, as necessary, revise the home’s child protection policies.

Children should be able to **access all shared areas** of their home, unless there are specific reasons why this would not meet a child’s needs. **Limits on privacy and access may only be put in place to safeguard each child in the home** (regulation 21(c)(i)). Any decisions to **limit** a child’s access to any area of the home and any **modification**s to the environment of the home, must **only be made where this is intended to safeguard the child’s welfare**. All decisions should be informed by a **rigorous assessment** of that individual child’s needs, be **properly recorded and be kept under regular review.** Information on restraint and deprivation of liberty is contained in the protection of children section of the Guide from paragraph 9.41.

Continually actively assess and manage the risks to each child and the arrangements in place to protect them.

Take reasonable precautions and make informed professional judgements based on the individual child’s needs and developmental stage about when to allow a child to take a particular risk or follow a particular course of action. Staff should discuss the decision with the child’s placing authority where appropriate. If a child makes a choice that would place them or another person at significant risk of harm, staff should assist them to understand the risks and manage their risk taking behaviour to keep themselves and others safe.

#### Encourage children to express their views about whether they feel safe both within and outside the home. Staff should support children to understand how to ask for help to stay safe and that the home is an environment which supports this.

#### Reporting of abuse or allegations, whistleblowing.

#### Child protection policy

#### MfH policy – understand, minimise risk. Use local protocols, record, training,

#### Risk management meeting.

#### The policy on protection of children from abuse and neglect should include arrangements in relation to dealing with allegations involving staff in the home, e-safety and to counter risks of self-harm (special clothing) and suicide.

**Behaviour management policies and records**

**35.**(1) The registered person must prepare and implement a policy (“the behaviour management policy”) which sets out:-

(a) how appropriate behaviour is to be promoted in the children’s home; and

(b) the measures of control, discipline and restraint which may be used in relation to children in the home.

(2) The registered person must keep the behaviour management policy under review and, where appropriate, revise it.

(3) The registered person must ensure that:-

(a) within 24 hours of the use of a measure of control, discipline or restraint in relation to a child in the home, a record is made which includes:-

(i) the name of the child;

(ii) details of the child’s behaviour leading to the use of the measure;

(iii) the date, time and location of the use of the measure;

(iv) a description of the measure and its duration;

(v) details of any methods used or steps taken to avoid the need to use the measure;

(vi) the name of the person who used the measure (“the user”), and of any other person present when the measure was used;

(vii) the effectiveness and any consequences of the use of the measure; and

(viii) a description of any injury to the child or any other person, and any medical treatment administered, as a result of the measure;

(b) within 48 hours of the use of the measure, the registered person, or a person who is authorised by the registered person to do so (“the authorised person”):-

(i) has spoken to the user about the measure; and

(ii) has signed the record to confirm it is accurate; and

(c) within 5 days of the use of the measure, the registered person or the authorised person adds to the record confirmation that they have spoken to the child about the measure.

(4) Paragraph (3) does not apply in relation to restraint that is planned or provided for as a matter of routine in the child’s EHC plan or statement of special educational needs.

This policy should describe the home’s approach to promoting positive behaviour and the measures of control, discipline, and restraint which may be used in the home.

9.35 The policy should address general principles for behaviour management in children’s homes which include: treating each child with understanding, dignity, kindness and respect; building, protecting and preserving positive relationships between each child and the adults caring for them; understanding each child’s behaviour to allow their needs, aspirations, experiences and strengths to be recognised and their quality of life to be enhanced; involving children and relevant others wherever practical in behaviour management; supporting each child to balance safety from injury (harm) with making appropriate choices; making sure the child’s rights are upheld.

**19.**(1) No measure of control or discipline which is excessive, unreasonable or contrary to paragraph (2) may be used in relation to any child.

(2) The following measures may not be used to discipline any child:-

(a) any form of corporal punishment;

(b) any punishment involving the consumption or deprivation of food or drink;

(c) any restriction, other than one imposed by a court or in accordance with regulation 22 (contact and access to communications), on:-

(i) a child’s contact with parents, relatives or friends;

(ii) visits to the child by the child’s parents, relatives or friends;

(iii) a child’s communications with any persons listed in regulation 22(1) (contact and access to communications); or

(iv) a child’s access to any internet-based or telephone helpline providing counselling for children;

(d) the use or withholding of medication, or medical or dental treatment;

(e) the intentional deprivation of sleep;

(f) imposing a financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;

(g) any intimate physical examination;

(h) withholding any aids or equipment needed by a disabled child;

(i) any measure involving a child imposing any measure against another child; or

(j) any measure involving punishing a group of children for the behaviour of an individual child.

(3) Nothing in this regulation prohibits:-

(a) the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner which is necessary to protect the health of the child; or

(b) taking any action that is necessary to prevent injury to any person or serious damage to property.

#### Restraint and deprivation of liberty

#### 9.52 There may be circumstances where a child can be prevented from leaving a home – for example a child who is putting themselves at risk of injury by leaving the home to carry out gang related activities, use drugs or to meet someone who is sexually exploiting them or intends to do so. Any such measure of restraint must be proportionate and in place for no longer than is necessary to manage the immediate risk.

#### 9.53 In a restraint situation, staff should use their professional judgement, supported by their knowledge of each child’s risk assessment, an understanding of the needs of the child (as set out in their relevant plans) and an understanding of the risks the child faces. Professional judgements may need to be taken quickly, and staff training and supervision of practice should support this.

#### Deprivation of liberty

#### 9.63 A deprivation of liberty may occur where a child is both under continuous supervision and control and is not free to leave the home. A children’s home cannot routinely deprive a child of their liberty without a court order, such as a section 25 order to place a child in a licensed secure children’s home, or, in the case of young people aged over 16 who lack mental capacity, a deprivation of liberty may be authorised by the Court of Protection following an application under the Mental Capacity Act 2005.

**20.**(1) Restraint in relation to a child is only permitted for the purpose of preventing:-

(a) injury to any person (including the child);

(b) serious damage to the property of any person (including the child); or

(c) a child who is accommodated in a secure children’s home from absconding from the home.

(2) Restraint in relation to a child must be necessary and proportionate.

(3) These Regulations do not prevent a child from being deprived of liberty where that deprivation is authorised in accordance with a court order.

#### Restraint also includes restricting a child’s liberty of movement. This includes, for example, changes to the physical environment of the home (such as using high door handles) and removal of physical aids (such as turning off a child’s electric wheelchair). Restrictions such as these, and all other restrictions of liberty of movement, should be recorded as restraint. Some children, perhaps due to impairment or disability, may not offer any resistance, but such measures should still constitute a restraint.

#### Injury could include physical injury or harm or psychological injury or harm.

#### When restraint involves the use of force, the force used must not be more than is necessary and should be applied in a way that is proportionate, i.e. the minimum amount of force necessary to avert injury or serious damage to property for the shortest possible time.

No pain, neck holds – breathing, spine,

When considering whether restraint is warranted, staff in children’s homes need to take into account:-

• the age and understanding of the child;

• the size of the child;

• the relevance of any disability, health problem or medication to the behaviour in question and the action that might be taken as a result;

• the relative risks of not intervening;

• the child’s previously sought views on strategies that they considered might deescalate or calm a situation, if appropriate;

• the method of restraint which would be appropriate in the specific circumstances; and

• the impact of the restraint on the carer’s future relationship with the child.

9.59 Records of restraint must be kept and should enable the registered person and staff to review the use of control, discipline and restraint to identify effective practice and respond promptly, where any issues or trends of concern emerge. The review should provide the opportunity for amending practice to ensure it meets the needs of each child

24 hours – 5 days for young person to record their views.

**Security within the home**

9.62 The locking of external doors, or doors to hazardous materials, may be acceptable as a security precaution if applied within the normal routine of the home.

### Behaviour management policies and records

**35.**(1) The registered person must prepare and implement a policy (“the behaviour management policy”) which sets out:-

(a) how appropriate behaviour is to be promoted in the children’s home; and

(b) the measures of control, discipline and restraint which may be used in relation to children in the home.

(2) The registered person must keep the behaviour management policy under review and, where appropriate, revise it.

(3) The registered person must ensure that:-

(a) within 24 hours of the use of a measure of control, discipline or restraint in relation to a child in the home, a record is made which includes:-

(i) the name of the child;

(ii) details of the child’s behaviour leading to the use of the measure;

(iii) the date, time and location of the use of the measure;

(iv) a description of the measure and its duration;

(v) details of any methods used or steps taken to avoid the need to use the measure;

(vi) the name of the person who used the measure (“the user”), and of any other person present when the measure was used;

(vii) the effectiveness and any consequences of the use of the measure; and

(viii) a description of any injury to the child or any other person, and any medical treatment administered, as a result of the measure;

(b) within 48 hours of the use of the measure, the registered person, or a person who is authorised by the registered person to do so (“the authorised person”):-

(i) has spoken to the user about the measure; and

(ii) has signed the record to confirm it is accurate; and

(c) within 5 days of the use of the measure, the registered person or the authorised person adds to the record confirmation that they have spoken to the child about the measure.

(4) Paragraph (3) does not apply in relation to restraint that is planned or provided for as a matter of routine in the child’s EHC plan or statement of special educational needs.

**Explanatory notes**

Regulation 20 sets out the circumstances when restraint can be used in relation to a child; it also makes it clear that the Regulations do not prevent deprivation of a child’s liberty that is in accordance with a court order.

Not subject to discrimination, marginalisation or bullying from their peers by virtue of their gender, religion, ethnicity, cultural and linguistic background, sexual identity, mental health, disability or for any other reason.

Scrutiny of all incidents

**Training**

Prohibited sanctions

Any sanctions used to address poor behaviour should be restorative in nature, to help children recognise the impact of their behaviour on themselves, other children, the staff caring for them and the wider community. In some cases, it will be important for children to make reparation in some form to anyone hurt by their behaviour and the staff in the home should be skilled to support the child to understand this and carry it out.

Rewarding and celebrating positive behaviour and recognising where children have managed situations well.

Reduce unnecessary police involvement in managing behaviour and criminalisation of behaviours. Children should not be charged with offences resulting from behaviour within a children’s home that would not similarly lead to police involvement, if it occurred in a family home.

**Notification of a serious event**

**40.**(1) If a child dies, the registered person must without delay notify:-

(a) HMCI;

(b) the placing authority;

(c) the Secretary of State (if the Secretary of State is not the placing authority);

(d) the local authority in whose area the children’s home is located (if that local authority is not the placing authority);

(e) the clinical commissioning group (as defined in section 14D of the National Health Service Act 2006) for the area in which the home is located;

(f) if the child was accommodated in a secure children’s home, the Prisons and Probation Ombudsman for England and Wales (“the PPO”); and

(g) each other relevant person.

(2) If a child accommodated in a secure children’s home dies, the registered person must allow the PPO to investigate the death by:-

(a) granting the PPO access to:-

(i) the premises of the home; and

(ii) the home’s documents and records;

(b) allowing the PPO to take away from the premises, securely, copies of any documents or records provided under sub-paragraph (a)(ii); and

(c) if they consent, allowing the PPO to interview in private any children, parents or relatives, or persons working at the home.

(3) If there is a referral of a person working in the home pursuant to section 35 (Regulated activity providers: duty to refer) of the Safeguarding Vulnerable Groups Act 2006([**1**](http://www.legislation.gov.uk/uksi/2015/541/regulation/40/made#f00033)), the registered person must without delay notify:-

(a) HMCI;

(b) the placing authority; and

(c) each other relevant person.

(4) The registered person must notify HMCI and each other relevant person without delay if:-

(a) a child is involved in or subject to, or is suspected of being involved in or subject to, sexual exploitation;

(b) an incident requiring police involvement occurs in relation to a child which the registered person considers to be serious;

(c) there is an allegation of abuse against the home or a person working there;

(d) a child protection enquiry involving a child:-

(i) is instigated; or

(ii) concludes (in which case, the notification must include the outcome of the child protection enquiry); or

(e) there is any other incident relating to a child which the registered person considers to be serious.

(5) A notification made under this regulation:-

(a) must include details of:-

(i) the matter;

(ii) the other persons, bodies or organisations (if any) who or which have been notified; and

(iii) any actions taken by the registered person as a result of the matter;

(b) must be made or confirmed in writing.

(6) In this regulation, references to the PPO include a person appointed by, or working on behalf of, the PPO for the purposes of an investigation under paragraph (2).

**Notifications**

It is for the registered person to judge who else it is appropriate to notify depending on the individual circumstances of the incident relating to the protection, safeguarding or welfare of a child living in the home, which the registered person considers to be serious.

14.11 Examples of incidents that are likely to be considered serious affecting the welfare of a child include: a child being the victim or perpetrator of a serious assault; a serious illness or accident; a serious incident of self-harm, or serious concerns over a child’s missing behaviour, particularly where the child is considered to be at grave risk due to age or vulnerability or where they have been missing for a considerable period of time and their whereabouts is unknown. This is not an exhaustive list and homes must assess each case individually, taking into account any patterns of behaviour or unusual behaviour which may indicate an increased risk to the child. Homes should also consider the frequency of incidents and judge whether their cumulative effect makes notification appropriate even if, in isolation, each event would not warrant this.

The registered person should have a system in place so that all serious events are notified, within 24 hours, to the appropriate people. The system should cover the action that should be followed if the event arises at the weekend or on a public holiday. Notification must include details of the action taken by the home’s staff in response to the event.

#### The leadership and management standard

They are responsible for proactively implementing lessons learned and sustaining good practice.

#### Visible and accessible to staff and able to deliver their leadership and/or management responsibilities.

#### 10.4 The registered person is responsible for leading a team which provides high quality care for all children living in the home. They must lead and manage the home in a way that delivers the ethos, outcomes and approach set out in the home’s Statement of Purpose. They should also play a key role in shaping the ethos of the home through developing a culture of high aspiration for children, which is demonstrated through the care, resources and opportunities offered to the children.

#### 10.5 The registered person should support staff to be ambitious for every child in the home and to gain skills and experience that enable them to actively support each child to achieve their potential. To ensure that staff understand and can meet each child’s needs, in line with their responsibilities, the registered person themselves will need to have a high level of understanding of the needs of the children in their care.

#### 10.6 The registered person should seek to establish a diverse staff team with a range of interests, skills and experiences. They should lead staff to share those interests, skills and experiences with children to enrich the children’s lives.

**13.**(1) The leadership and management standard is that the registered person enables, inspires and leads a culture in relation to the children’s home that:-

(a) helps children aspire to fulfil their potential; and

(b) promotes their welfare.

(2) In particular, the standard in paragraph (1) requires the registered person to:-

(a) lead and manage the home in a way that is consistent with the approach and ethos, and delivers the outcomes, set out in the home’s statement of purpose;

(b) ensure that staff work as a team where appropriate;

(c) ensure that staff have the experience, qualifications and skills to meet the needs of each child;

(d) ensure that the home has sufficient staff to provide care for each child;

(e) ensure that the home’s workforce provides continuity of care to each child;

(f) understand the impact that the quality of care provided in the home is having on the progress and experiences of each child and use this understanding to inform the development of the quality of care provided in the home;

(g) demonstrate that practice in the home is informed and improved by taking into account and acting on:-

(i) research and developments in relation to the ways in which the needs of children are best met; and

(ii) feedback on the experiences of children, including complaints received; and

(h) use monitoring and review systems to make continuous improvements in the quality of care provided in the home.

‘Sufficient staff’ = enough suitably trained staff (including someone in a management role) on duty to meet the assessed needs of all children in the home- continuity of staffing so that children’s attachments are not overly disrupted, including ensuring that the employment of any temporary staff will not prevent children from receiving the continuity of care that they need - the use of external agency staff can be a positive choice to complement the skills and experiences of the permanent workforce. Any external agency staff should meet the requirements in regulation 32(4) regarding mandatory qualifications and the registered person should consider their skills, qualifications and any induction necessary before they commence work in the home.

10.17 No more than half the staff on duty at any one time, by day or night at the home should be from an external agency.

Contingency planning.

Analyse turnover.

Analyse and rectify negative trends.

**Workforce plan**

The plan should:-

• Detail the necessary management and staffing structure, (including any staff commissioned to provide health and education), the experience and qualifications of staff currently working within the staffing structure and any further training required for those staff , to enable the delivery of the homes Statement of Purpose;

• Detail the processes and agreed timescales for staff to achieve induction, probation and any core training (such as safeguarding and health and safety and mandatory qualifications);

• Detail the process for managing and improving poor performance;

• Detail the process and timescales for supervision of practice (see regulation 33 (4) (b)) and keep appropriate records for staff in the home. The plan should be updated to include any new training and qualifications completed by staff while working at the home, and used to record the ongoing training and continuing professional development needs of staff – including the home’s manager.

All managers working in a children’s home must have the qualification, in regulation 28(2) within the relevant timescales listed in regulation 28(3).

All staff in a care role, including external agency or bank staff, must have the qualification in regulation 32(4) within the relevant timescale listed in regulation 32(5). The registered person may extend the time period if the member of staff hasn’t worked in the role for a prolonged period, such as sick leave or maternity leave, or if it is not reasonable to expect the member of staff to complete in this timescale due to the nature of the hours they work.

‘Equivalent’ = a judgement for the registered person based on whether the content of any qualifications held by the individual closely corresponds with the qualifications set out in regulation 28(2)(c) (for managers) or regulation 32(4) (for those in a care role).

Clear arrangements in place to maintain effective management when the manager is absent, off duty or on leave. Shift leaders should have substantial relevant experience of working in a children’s home and have successfully completed their induction for the home in which they are employed.

Independent and internal monitoring (including under regulations 44 and 45) to ensure continuous improvement.

**Appointment of independent person**

**43.**(1) The registered provider must appoint, at the registered provider’s expense, a person (“the independent person”) to visit and report on the children’s home carried on by the registered provider.

(2) If the registered provider carries on more than one home, the registered provider may appoint the same person as the independent person for all or any of those homes.

(3) Subject to paragraphs (4) and (5), the registered provider may not appoint the following as an independent person:-

(a) if the registered provider is a local authority, a person who is employed by that local authority in connection with the carrying on of the authority’s social services functions (as defined by section 1A of the Local Authority Social Services Act 1970([**1**](http://www.legislation.gov.uk/uksi/2015/541/regulation/43/made#f00036))) relating to children;

(b) if the registered provider is not a local authority, a person who is employed for payment by the registered provider;

(c) a person involved in preparing the care plan of any child placed at the home, or a person responsible for managing or supervising that person;

(d) a person responsible for commissioning or financing services provided by the home;

(e) a person with a financial interest in the home;

(f) the responsible individual (if one is nominated); or

(g) a person who has, or has had, a connection with:-

(i) the registered person;

(ii) a person working at the home; or

(iii) a child, which the registered provider considers to give rise to doubts about that person’s impartiality (for the purposes of producing the independent person’s report – see regulation 44).

(4) An employee of the registered provider is not, by reason only of that employment, disqualified under paragraph (3)(a), (b) or (g) from appointment as an independent person, if the employee is employed solely to examine and scrutinise critically:-

(a) the way that a home is carried on or managed; and

(b) the quality of care provided for children.

(5) If the registered provider is a local authority, a person appointed by the authority as an independent reviewing officer is not, by reason only of that appointment, disqualified under paragraph (3)(a), (c) or (g) from appointment as an independent person in relation to a home carried on by that authority or any other authority.

(6) The independent person must declare any actual or potential conflict of interest (whether of the type mentioned in paragraph (3) or otherwise) to the registered provider without delay and, if reasonably practicable, before conducting a visit to the home.

(7) If the registered provider becomes aware of a potential conflict of interest in relation to the independent person before or during the independent person visiting the home (see regulation 44), the registered provider must:-

(a) make arrangements to cancel the visit without delay; and

(b) appoint a different independent person to visit the home.

### Independent person: visits and reports

**44.**(1) The registered person must ensure that an independent person visits the children’s home at least once each month.

(2) When the independent person is carrying out a visit, the registered person must help the independent person:-

(a) if they consent, to interview in private such of the children, their parents, relatives and persons working at the home as the independent person requires; and

(b) to inspect the premises of the home and such of the home’s records (except for a child’s case records, unless the child and the child’s placing authority consent) as the independent person requires.

(3) A visit by the independent person to the home may be unannounced.

(4) The independent person must produce a report about a visit (“the independent person’s report”) which sets out, in particular, the independent person’s opinion as to whether:-

(a) children are effectively safeguarded; and

(b) the conduct of the home promotes children’s well-being.

(5) The independent person’s report may recommend actions that the registered person may take in relation to the home and timescales within which the registered person must consider whether or not to take those actions.

(6) If the independent person becomes aware of a potential conflict of interest (whether under regulation 43(3) or otherwise) after a visit to the home, the independent person must include in the independent person’s report:-

(a) details of the conflict of interest; and

(b) the reasons why the independent person did not notify the registered provider of the conflict of interest before the visit.

(7) The independent person must provide a copy of the independent person’s report to:-

(a) HMCI;

(b) upon request, the local authority for the area in which the home is located;

(c) the placing authorities of children;

(d) the registered provider and, if applicable, the registered manager; and

(e) the responsible individual (if one is nominated).

**Appointment of manager**

**27.**(1) The registered provider must appoint a person to manage the children’s home if:-

(a) there is no registered manager in respect of the home; and

(b) the registered provider:-

(i) is an organisation or a partnership;

(ii) does not satisfy regulation 28; or

(iii) is not, or does not intend to be, in day-to-day charge of the home.

(2) If the registered provider appoints a person to manage the home, the registered provider must, without delay, give HMCI notice of:-

(a) the name of the person so appointed; and

(b) the date on which the appointment takes effect.

### Fitness of manager

**28.**(1) A person may only manage a children’s home if:-

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

(b) having regard to the size of the home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children:-

(i) the person has the appropriate experience, qualification and skills to manage the home effectively and lead the care of children; and

(ii) the person is physically and mentally fit to manage the home; and

(c) full and satisfactory information is available in relation to the person in respect of each of the matters in Schedule 2.

(2) For the purposes of paragraph (1)(b)(i), a person has the appropriate experience and qualification if the person has:-

(a) within the last 5 years, worked for at least 2 years in a position relevant to the residential care of children;

(b) worked for at least one year in a role requiring the supervision and management of staff working in a care role; and

(c) by the relevant date, attained:-

(i) the Level 5 Diploma in Leadership and Management for Residential Childcare (England) (“the Level 5 Diploma”); or

(ii) a qualification which the registered provider considers to be equivalent to the Level 5 Diploma.

(3) The relevant date i:-

(a) in the case of a person who starts managing a home after 1st April 2014, the date which falls 3 years after the date on which that person started managing a home; or

(b) in the case of a person who was managing a home on 1st April 2014, 1st April 2017.

(4) The registered provider may defer the relevant date if the person:-

(a) does not manage, or has not managed, a home for a prolonged period; or

(b) manages, or has managed, a home on a part-time basis.

### Notice of absence

**48.**(1) If the person who is in day-to-day charge of the children’s home proposes to be absent from the home for a continuous period of 28 days or more, the registered person must give notice in writing to HMCI of the proposed absence.

(2) Except in the case of an emergency or unforeseen absence, a notice under paragraph (1) must:-

(a) be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with HMCI; and

(b) specify with respect to the proposed absence:-

(i) its length or expected length;

(ii) the reason for it;

(iii) the arrangements which have been made for running the home during the absence;

(iv) the address, name and qualifications of the person who will be responsible for the home during the absence; and

(v) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the home during the absence, including the proposed date by which the appointment is to be made.

(3) If the absence arises as a result of an emergency or is unforeseen, the registered person must give notice of the absence:-

(a) within one week of the beginning of the absence; and

(b) specifying the matters in paragraph (2)(b).

(4) If the notice required under paragraph (2) or (3) has not been given as required, it must be given without delay.

(5) The registered person must notify HMCI of the return to duty of the person in day-to-day charge of the home not later than 7 days after the date of that person’s return.

## SCHEDULE 2

## Information required in respect of persons seeking to carry on, manage or work at a children’s home

**1.** Proof of identity including a recent photograph.

**2.** Either:-

(a) where the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002([**1**](http://www.legislation.gov.uk/uksi/2015/541/schedule/2/made#f00042)), an enhanced criminal record certificate issued under section 113B of the Police Act 1997([**2**](http://www.legislation.gov.uk/uksi/2015/541/schedule/2/made#f00043)) which includes, where applicable, suitability information relating to:-

(i) children (within the meaning of section 113BA(2) of the Police Act 1997([**3**](http://www.legislation.gov.uk/uksi/2015/541/schedule/2/made#f00044)));

(ii) vulnerable adults (within the meaning of section 113BB(2) of the Police Act1997([**4**](http://www.legislation.gov.uk/uksi/2015/541/schedule/2/made#f00045))); or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997([**5**](http://www.legislation.gov.uk/uksi/2015/541/schedule/2/made#f00046)).

**3.** Two written references, including a reference from the person’s most recent employer, if any.

**4.** If a person has previously worked in a position involving work with children or vulnerable adults, verification so far as reasonably practicable of the reason why the employment or position ended.

**5.** Documentary evidence of any qualifications which the person considers relevant for the position.

**6.** A full employment history, together with a satisfactory explanation of any gaps in employment, in writing.

**Staffing of children’s homes**

**31.**(1) The registered person must ensure that the employment of any person on a temporary basis at the children’s home does not prevent children from receiving such continuity of care as is reasonable to meet their needs.

(2) The registered person must ensure that:-

(a) at all times, at least one person on duty at the home has a suitable first aid qualification;

(b) any person who works as a nurse at the home is a registered nurse.

### Fitness of workers

**32.**(1) The registered person must recruit staff using recruitment procedures that are designed to ensure children’s safety.

(2) The registered person may only:-

(a) employ an individual to work at the children’s home; or

(b) if an individual is employed by a person, other than the registered person, to work at the home in a position in which the individual may have regular contact with children, allow that individual to work at the home,

(c) if the individual satisfies the requirements in paragraph (3).

(3) The requirements are that:-

(a) the individual is of integrity and good character;

(b) the individual has the appropriate experience, qualification and skills for the work that the individual is to perform;

(c) the individual is mentally and physically fit for the purposes of the work that the individual is to perform; and

(d) full and satisfactory information is available in relation to the individual in respect of each of the matters in Schedule 2.

(4) For the purposes of paragraph (3)(b), an individual who works in the home in a care role has the appropriate qualification if, by the relevant date, the individual has attained:-

(a) the Level 3 Diploma for Residential Childcare (England) (“the Level 3 Diploma”); or

(b) a qualification which the registered person considers to be equivalent to the Level 3 Diploma.

(5) The relevant date is:-

(a) in the case of an individual who starts working in a care role in a home after 1st April 2014, the date which falls 2 years after the date on which the individual started working in a care role in a home; or

(b) in the case of an individual who was working in a care role in a home on 1st April 2014, 1st April 2016.

(6) The registered person may defer the relevant date if the individual:-

(a) does not work, or has not worked, in a care role in a home for a prolonged period; or

(b) works, or has worked, in a care role in a home on a part-time basis.

(7) The registered person may permit an individual to start work at the home, despite the fact that the requirement in paragraph (3)(d) has not been met if:-

(a) the registered person has taken all reasonable steps to obtain full information about each of the matters in Schedule 2 in respect of the individual, but the enquiries in relation to any of the matters in paragraphs 3 to 6 of Schedule 2 are incomplete;

(b) full and satisfactory information in respect of the individual has been obtained in relation to the matters in paragraphs 1 and 2 of Schedule 2;

(c) the registered person considers that the circumstances are exceptional; and

(d) the registered person ensures that the individual is appropriately supervised while carrying out the individual’s duties, pending receipt of any outstanding information on the matters in paragraphs 3 to 6 of Schedule 2, which is then considered satisfactory by the registered person.

(8) The registered person must take reasonable steps to ensure that any individual who is working at the home and who does not fall within paragraph (2)(a) and (b) is appropriately supervised while carrying out the individual’s duties.

### Employment of staff

**33.**(1) The registered person must:-

(a) ensure that each employee completes an appropriate induction;

(b) ensure that each permanent appointment of an employee is subject to the satisfactory completion of a period of probation; and

(c) provide each employee with a job description outlining the employee’s responsibilities.

(2) The registered person must operate a disciplinary procedure which, in particular:-

(a) provides for the suspension from work of an employee if necessary in the interests of the safety or welfare of children; and

(b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse, whether past or present, in relation to a child to the appropriate person is a ground on which disciplinary proceedings may be instituted.

(3) For the purposes of this regulation, “the appropriate person” is the registered person, an officer of HMCI, an officer of the local authority in whose area the home is located or a police officer.

(4) The registered person must ensure that all employees:-

(a) undertake appropriate continuing professional development;

(b) receive practice-related supervision by a person with appropriate experience; and

(c) have their performance and fitness to perform their roles appraised at least once every year.

### Notification of offences

**42.**(1) If a person listed in paragraph (2) is convicted of a criminal offence, whether in England and Wales or elsewhere, that person must without delay give notice in writing to HMCI of:-

(a) the date and place of the conviction;

(b) the offence; and

(c) the penalty imposed for the offence.

(2) The persons are:-

(a) the registered provider;

(b) the registered manager;

(c) the responsible individual (if one is nominated);

(d) if the registered provider is an organisation, any director of that organisation;

(e) if the registered provider is a partnership, any partner in that partnership.

### Review of premises

**46.**(1) The registered person must review the appropriateness and suitability of the location of the premises used for the purposes of the children’s home, at least once in each calendar year, taking into account the requirement in regulation 12(2)(c) (the protection of children standard).

(2) When conducting the review, the registered person must consult, and take into account the views of, each relevant person.

Review the appropriateness and suitability of the location and premises of the home at least once a year. The review should include the identification of any risks and opportunities presented by the home’s location and strategies for managing these. Providers should refer to the non-statutory advice about the location assessment process: Children's homes regulation amendments 2014: Advice for children's homes providers on new duties under regulations that came in to effect in January and April 2014.

**Review of quality of care**

**45.**(1) The registered person must complete a review of the quality of care provided for children (“a quality of care review”) at least once every 6 months.

(2) In order to complete a quality of care review the registered person must establish and maintain a system for monitoring, reviewing and evaluating:-

(a) the quality of care provided for children;

(b) the feedback and opinions of children about the children’s home, its facilities and the quality of care they receive in it; and

(c) any actions that the registered person considers necessary in order to improve or maintain the quality of care provided for children.

(3) After completing a quality of care review, the registered person must produce a written report about the quality of care review and the actions which the registered person intends to take as a result of the quality of care review (“the quality of care review report”).

(4) The registered person must:-

(a) supply to HMCI a copy of the quality of care review report within 28 days of the date on which the quality of care review is completed; and

(b) make a copy of the quality of care review report available on request to a placing authority, if the placing authority is not the parent of a child accommodated in the home.

(5) The system referred to in paragraph (2) must provide for ascertaining and considering the opinions of children, their parents, placing authorities and staff.

Regulation 45 sets out requirements for the registered person to have a system in place, which allows them to monitor the matters set out in the regulation at least once every six months; also see regulation 13(2)(h) (the leadership and management standard). The registered person should undertake a review that focuses on the quality of the care provided by the home, the experiences of children living there and the impact the care is having on outcomes and improvements for the children.

The registered person is responsible for deciding what each review should focus on, based on the specific circumstances of the home at that particular time and any areas of high risk to the children that the home is designed to care for, such as missing or exploitation. They will also consider what information or data recorded in the home will form part of the evidence base for their analysis and conclusions. There is no expectation that the registered person will review the home against every part of the Quality Standards every six months – registered persons should use their professional judgement to decide which factors to focus on. The review should enable the registered person to identify areas of strength and possible weakness in the home’s care, which will be captured in the written report. The report should clearly identify any actions required for the next 6 months of delivery within the home and how those actions will be addressed. The whole review process and the resulting report should be used as a tool for continuous improvement in the home.

**Visits by an independent person**

Any individual appointed to carry out visits to the home as an independent person must make a rigorous and impartial assessment of the home’s arrangements for safeguarding and promoting the welfare of the children in the home’s care.

**See ICHA practice document**

Providers should refer to the non-statutory advice about visits by independent persons: Children's homes regulation amendments 2014: Advice for children's homes providers on new duties under regulations that came in to effect in January and April 2014.

### Other records

**37.**(1) Schedule 4 sets out the other information that the registered person must keep in relation to a children’s home.

(2) The registered person must:-

(a) maintain in the home the records in Schedule 4;

(b) ensure that the records are kept up to date; and

(c) retain the records for at least 15 years from the date of the last entry.

**Regulation 37**

**SCHEDULE 4 Other records with respect to children’s homes**

**Register of children**

**1.** A record in the form of a register showing in respect of each child:-

(a) the date of the child’s admission to the children’s home;

(b) the date on which the child ceased to be accommodated in the home;

(c) the child’s address immediately before being accommodated in the home;

(d) the child’s address on leaving the home;

(e) the child’s placing authority; and

(f) the statutory provision (if any) under which the child is accommodated.

**Staff, staff rosters, persons residing or working in the home, visitors**

**2.** A record showing in respect of each person working at the home:-

(a) the person’s full name;

(b) the person’s sex;

(c) the person’s date of birth;

(d) the person’s home address;

(e) the person’s qualifications relevant to, and experience of, work involving children;

(f) whether the person works at the home full-time or part-time (whether paid or not), and if part-time, the average number of hours worked per week; and

(g) whether the person resides at the home.

**3.** A copy of the staff duty roster of persons working at the home, and a record of the actual rosters worked.

**4.** A record of any persons who reside or work at any time at the home, who are not mentioned in the records kept in accordance with paragraphs 1 or 2.

**5.** A record of all visitors to the home, and to children, including the names of visitors and the reasons for the visit.

**Fire drills**

**6.** A record of every fire drill or fire alarm test conducted, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.

**Accounts**

**7.** Records of all accounts kept in the children’s home.

**Fire precautions**

**25.**(1) After consultation with the fire and rescue authority, the registered person must:-

(a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment in the children’s home;

(b) provide adequate means of escape from the home in the event of fire;

(c) make arrangements for persons working at the home to receive suitable training in fire prevention; and

(d) ensure, by means of fire drills and practices at suitable intervals, that persons working at the home and, so far as reasonably practicable, children are aware of the procedure to be followed in case of fire.

(2) If the Regulatory Reform (Fire Safety) Order 2005([**1**](http://www.legislation.gov.uk/uksi/2015/541/regulation/25/made#f00030)) applies to the home:-

(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 home.

(3) In this regulation, “the fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004([**2**](http://www.legislation.gov.uk/uksi/2015/541/regulation/25/made#f00031)) for the area in which the home is located.

### Death of registered person

**51.**(1) If:-

(a) more than one person is registered in respect of a children’s home; and

(b) a registered person dies,

the other registered person must notify HMCI of the death in writing without delay.

(2) If only one person is registered in respect of a home, 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 their intentions regarding the future running of the home.

(3) The personal representatives of a deceased registered provider:-

(a) may carry on the home without being registered in respect of it:-

(i) for a period not exceeding 28 days;

(ii) for such further period as may be determined in accordance with paragraph (4);

(b) must appoint a person to take day-to-day charge of the home during any period in which they carry on the home without being registered in respect of it; and

(c) must have regard to children’s welfare when acting in relation to the operation of the home and its future.

(4) HMCI:-

(a) may extend the period in paragraph (3)(a)(i) by such further period, not exceeding one year, as HMCI may determine; and

(b) must notify any such determination to the personal representatives in writing.

**Financial position**

**47.**(1) The registered provider must carry on the children’s home in such manner, as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person must:-

(a) ensure that adequate financial records are maintained and kept up to date in respect of the home; and

(b) supply a copy of the financial records and most recent accounts to HMCI at HMCI’s request.

(3) The registered person must provide HMCI with such information as HMCI may require for the purpose of considering the financial viability of the home, including:-

(a) the annual accounts of the home certified by an accountant;

(b) a reference from a bank expressing an opinion as to the registered provider’s financial standing;

(c) information as to the financing, and financial resources, of the home and the registered provider;

(d) where the registered provider is a company, information as to any of its associated companies; and

(e) a certificate of insurance for the registered provider in respect of liability which may be incurred by the registered provider in relation to the home in respect of damage, death, injury, public liability or other loss.

(4) For the purposes of this regulation a company is an associated company of another company if one of the companies has control of the other company or both companies are under the control of the same person.

### Appointment of liquidators etc.

**50.**(1) This regulation applies to a person appointed (“the appointed person”) as:-

(a) the manager or receiver of the property of a company or partnership which is the registered provider of a children’s home;

(b) a liquidator or provisional liquidator of a company which is the registered provider of a home; or

(c) the trustee in bankruptcy of the registered provider of a home.

(2) The appointed person must:-

(a) have regard to children’s welfare when acting in relation to the operation of the home and its future;

(b) without delay, notify HMCI of the appointed person’s appointment and the reasons for it;

(c) if there is no registered manager, appoint a person to take day-to-day charge of the home; and

(d) not more than 28 days after the appointed person’s appointment, notify HMCI of the appointed person’s intentions regarding the future operation of the home.

#### The care planning standard

**Notification with respect to children admitted into, or discharged from, a children’s home**

**41.**(1) The registered person must notify, without delay, the local authority for the area in which the children’s home is located of every admission of a child into the home and every discharge of a child from the home.

(2) The registered person is not required to notify the local authority in paragraph (1) if that local authority is also the placing authority for the child in question.

(3) A notification under this regulation must be in writing and must state:-

(a) the child’s name and date of birth;

(b) whether the child is provided with accommodation under section 20 or 21 of the Children Act 1989([**1**](http://www.legislation.gov.uk/uksi/2015/541/regulation/41/made#f00034));

(c) whether the child is subject to a care or supervision order under section 31 of the Children Act 1989([**2**](http://www.legislation.gov.uk/uksi/2015/541/regulation/41/made#f00035));

(d) the contact details for:-

(i) the child’s placing authority; and

(ii) the independent reviewing officer appointed for the child’s case; and

(e) whether the child has an EHC plan or a statement of special educational needs and, if so, details of the local authority with responsibility for the EHC plan or for maintaining the statement of special educational needs.

#### 11.4 The registered person should only accept placements for children, where they are satisfied that the home can respond effectively to the child’s assessed needs, as recorded in the child’s relevant plans and where they have fully considered the impact that the placement will have on the existing group of children. The Statement of Purpose is an important document in the process of care planning, as it sets out the needs of children the home is set up and equipped to care for.

#### 11.5 The registered person must challenge (under regulation 5(c)) any placing authority who asks them to accept a child, in the absence of a complete and current relevant plan, as the expectation that a placement of a child without the necessary information would go ahead (in circumstances other than an emergency) is inadequate in relation to their role. It is essential that homes understand what will be required of them before they accept responsibility for a child’s placement, to avoid disruption and instability for the child in future and for other children in the home.

**14.**(1) The care planning standard is that children:-

(a) receive effectively planned care in or through the children’s home; and

(b) have a positive experience of arriving at or moving on from the home.

(2) In particular, the standard in paragraph (1) requires the registered person to ensure:-

(a) that children are admitted to the home, only if their needs are within the range of needs of children for whom it is intended that the home is to provide care and accommodation, as set out in the home’s statement of purpose;

(b) that arrangements are in place to:-

(i) ensure the effective induction of each child into the home;

(ii) manage and review the placement of each child in the home; and

(iii) plan for, and help, each child to prepare to leave the home or to move into adult care, in a way that is consistent with arrangements agreed with the child’s placing authority;

(c) that each child’s relevant plans are followed;

(d) that, subject to regulation 22 (contact and access to communications), contact between each child and the child’s parents, relatives and friends, is promoted in accordance with the child’s relevant plans;

(e) that the child’s placing authority is contacted, and a review of that child’s relevant plans is requested, if:-

(i) the registered person considers that the child is at risk of harm or has concerns that the care provided for the child is inadequate to meet the child’s needs;

(ii) the child is, or has been, persistently absent from the home without permission; or

(iii) the child requests a review of the child’s relevant plans; and

(f) that staff help each child to access and contribute to the records kept by the registered person in relation to the child.

**Placement plan for looked after child**

**17.**(1) This regulation applies to a child who is looked after by a local authority.

(2) The registered person must co-operate with the child’s placing authority in agreeing and signing the child’s placement plan.

(3) The registered person must comply with requests by the child’s placing authority to:-

(a) provide the placing authority with information relating to the child; and

(b) provide a suitable representative to attend any meeting the placing authority may hold about the child.

(4) Where the child is a youth justice child, when co-operating with the placing authority, the registered person must have regard to any other plan or plans prepared by the placing authority in relation to the remand or sentencing of the child.

Staff should record information on individual children in a non-stigmatising way that distinguishes between fact, opinion and third-party information. Information about the child must always be recorded in a way that will be helpful to the child.

Staff engage proactively with the placing authority to contribute fully to the relevant plans for the child’s care on an ongoing basis.

A warm welcome and introduction (over time) to the home is an entitlement for all children, whether they are admitted in a planned way or in an emergency. Where possible other children and young people should be supported to contribute to the design of the welcome and introduction and where appropriate the welcome itself.

The home has a key role in helping children to understand why they are living there and the plans for their future.

Transitions – by review only.

Serious risk of harm, such as being persistently missing from their placement, contact the local authority to request a review of the child’s care plan. Where a review does not take place, the Registered Person must escalate this concern under regulation 5 (engaging with the wider system to ensure children’s needs are met).

**Contact – see also Positive Relationships QS.**

11.16 There may be circumstances where children’s homes staff assess that restriction of contact is necessary, in the interests of the child, to safeguard them or promote their welfare. This decision should not be taken lightly and must be agreed with the placing authority, where possible, except in an emergency situation, where the placing authority must be notified within 24 hours. (See regulation 22 (5) and (6)).

11.17 Children’s homes have a duty to provide access to a telephone that children can use privately (regulation 22(3)(a)). This can include the provision of a mobile phone, where appropriate and safe for the child, as long as an alternative is in place for the child to make telephone calls in private if their personal mobile phone is lost, out of credit or broken.

**Regulation 36**

**SCHEDULE 3 Information to be included in each child’s case records**

**Personal details in relation to the child**

**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.** The child’s religion, if any.

**4.** The child’s ethnicity, and the child’s cultural and linguistic background.

**5.** The child’s address immediately before entering the home.

**6.** The address, and the type of establishment or accommodation, to which the child is to go when the child ceases to be accommodated in the home.

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

**8.** The statutory provision (if any) under which the child is provided with accommodation.

**Contact details of certain persons in relation to the child**

**9.** The name (including, where the placing authority is not a parent, the name of an individual who may be contacted), address and telephone number of the child’s placing authority.

**10.** The name, address, telephone number and the religion, if any, of the child’s parents.

**11.** The name, address and telephone number of any social worker assigned to the child by the placing authority.

**12.** If the child attends a school or college:-

(a) the name, address and telephone number of the school or college; and

(b) if the school has a member of staff who has been designated by its governing body under section 20(1) of the Children and Young Persons Act 2008, the name and telephone number of the designated member of staff.

**13.** The name, address and telephone number of any employer of the child.

**Information relating to the care, protection or safety of the child**

**14.** The date and circumstances of all incidents where a child goes missing from the home, including any information relating to the child’s whereabouts during the period of absence.

**15.** The date and circumstances of any measure of control, discipline or restraint used in relation to the child.

**16.** Arrangements for, and any restrictions on, contact between the child, the child’s parents, and any other person.

**Plans or reports relating to the child**

**17.** A copy of any EHC plan or statement of special educational needs in relation to the child.

**18.** Every school report received in respect of the child while the child is accommodated in the home.

**19.** A copy of any plan for the care of the child prepared by the child’s placing authority, and of the placement plan.

**20.** The date and result of any review of the placing authority’s plan for the care of the child, or of the child’s placement plan.

**Health matters in relation to the child**

**21.** The name of the general medical practitioner with whom the child is a registered patient, the address of the premises at which the child’s primary medical services are usually provided and the name and address of the child’s registered dental practitioner.

**22.** Details of any accident or serious illness involving the child while accommodated in the home.

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

**24.** Details of any health examination or developmental test conducted with respect to the child at, or in connection with, the child’s school.

**25.** Details of any medicines kept for the child in the home, including details of:-

(a) any medicines which the child is permitted to self-administer;

(b) the administration of any medicine to the child;

(c) the disposal of any medicine.

**26.** Any special dietary or health needs of the child.

### Storage of records etc.

**38.** The registered person must ensure that the following items, which may be kept in electronic form, are kept in an accessible manner:-

(a) the statement of purpose;

(b) the children’s guide;

(c) placement plans for children who are not looked after (see regulation 18);

(d) the policy for safeguarding children (see regulation 34);

(e) the policy for preventing bullying (see regulation 34);

(f) the missing child policy (see regulation 34);

(g) the behaviour management policy (see regulation 35);

(h) records of the use of measures of control, discipline or restraint (see regulation 35);

(i) children’s case records (see regulation 36);

(j) other records (see regulation 37);

(k) the procedure for considering complaints (see regulation 39);

(l) records of complaints (see regulation 39);

(m) the independent person’s reports (see regulation 44);

(n) quality of care reviews (see regulation 45);

(o) annual reviews of the appropriateness and suitability of the location of the home’s premises (see regulation 46).

All children’s case records (regulation 36) must be kept up to date and stored securely whilst they remain in the home. Case records must be kept up-to-date and signed and dated by the author of each entry. Children’s case records must be kept for 75 years from the date of birth of the child, or if the child dies before the age of 18, for 15 years from the date of his or her death.

If a home closes or is taken over by a different registered provider, it is important that children’s case records continue to be stored securely for the required period of time (regulation 36(2)), so that children can access their case records in later life. If the registered provider runs other homes, the case records must be kept in the nearest home (regulation 36(4)(a)(b)). In cases where the home and its registered provider cease to operate entirely, the case records must be passed to the child’s placing authority (regulation 36(5)) or, as the case may be, the local authority that maintains an EHC plan for the child or the child’s SEN statement.

Staff should be familiar with the home’s policies on record keeping and understand the importance of careful, objective, and clear recording.

Staff should keep and encourage children to keep appropriate memorabilia of the time spent living at the home and help them record significant life events.

Children should be actively encouraged to read their records and to add further information to them. They should be regularly reminded of their rights to see information kept about them and be given information about how they might be supported to access their records in later life.

**Registered Persons**

The Responsible Individual’s role is to supervise the management of the home. They should have an understanding of both effective practice in responding to the needs of looked-after children and of local authority care planning duties and how children’s homes are required to support these.

**Fitness**

Includes being able to demonstrate that they have the essential skills needed to develop the leadership and management of homes within their remit, such that the homes have the capacity and capability to meet the Quality Standards. There is no limit to the number of homes that a person can be appointed as Responsible Individual for, but they must be able to demonstrate that they can effectively supervise the management of each home individually, as well as all of the homes overall.

**ANNEX A –Qualifications for staff working in children’s homes**