

2010 No. 2130

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Care Standards Act 2000 (Registration)(England)
Regulations 2010**

<i>Made</i> - - - -	<i>24th August 2010</i>
<i>Laid before Parliament</i>	<i>2nd September 2010</i>
<i>Coming into force</i> - -	<i>1st October 2010</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 11(4), 12(2), 14(1)(d), 15(3), 16(1), 25(1), 36(3) and 118(5) to (7) of the Care Standards Act 2000(a).

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Registration)(England) Regulations 2010 and come into force on 1st October 2010.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“applicant” means a person seeking to be registered;

“behaviour management policy” has the meaning given to it in regulation 17(2) of the Children’s Homes Regulations 2001(b);

“children’s guide” has the meaning given to it—

(a) in relation to a children’s home in regulation 4(3) (statement of purpose and children’s guide) of the Children’s Homes Regulations 2001;

(b) in relation to a fostering agency in regulation 3(3) (statement of purpose and children’s guide) of the Fostering Services Regulations 2002(c);

(a) 2000 c.14. See section 121 for the definition of “prescribed” and “regulations”.

(b) S.I. 2001/3967.

(c) S.I. 2002/57. Regulation 3 was amended by the Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007 (S.I. 2007/603).

(c) in relation to an adoption support agency in regulation 5(4) (statement of purpose and children’s guide) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(a); and

(d) in relation to a voluntary adoption agency in regulation 24C (children’s guide) of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(b);

“CI” means Her Majesty’s Chief Inspector for Education, Children’s Services and Skills(c);

“holding company” has the meaning given to it by section 1159 of the Companies Act 2006(d);

“organisation” means a body corporate or any unincorporated association other than a partnership;

“placement plan” has the meaning given to it in regulation 12 (child’s placement plan) of the Children’s Homes Regulations 2001;

“refuge” means a residential home for children who appear to be at risk of harm for which a certificate has been issued by the Secretary of State under section 51 of the Children Act 1989(e);

“registered” means registered under Part 2 of the Act;

“registered manager” means a person who is registered as the manager of an establishment or agency;

“registered person” means a person who is the registered provider or registered manager in respect of an establishment or agency;

“registered provider” means a person who is registered as a person carrying on an establishment or agency;

“registration” means registration under Part 2 of the Act;

“relative”, in relation to any person, means—

(a) the person’s spouse or civil partner;

(b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the person or the person’s spouse or civil partner;

(c) the spouse or civil partner of any relative within paragraph (b) of this definition,

and for the purpose of determining any such relationship a person’s step-child shall be treated as his child, and references to “spouse or civil partner” in relation to any person include a former spouse or civil partner and a person who is living with the person as husband and wife or as if they were civil partners;

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment or agency, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“resident’s guide” has the meaning given to it in regulation 4 (statement of purpose and resident’s guide) of the Residential Family Centres Regulations 2002(f);

“responsible individual” means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency;

(a) S.I. 2005/2720.

(b) S.I. 2003/367. Regulation 24C was inserted by the Voluntary Adoption Agencies (Amendment) Regulations 2005 (S.I. 2005/3341).

(c) The CI is the registration authority in relation to England under section 5 of the Care Standards Act 2000.

(d) 2006 c.46.

(e) 1989 c.41. Section 51 was amended by the Children (Scotland) Act 1995 (c.36) and the Care Standards Act 2000.

(f) S.I. 2002/3213. Regulation 4 was amended by the Education and Inspections Act 2006 (Consequential Amendments) Regulations 2007 (S.I. 2007/603).

“responsible person” means—

- (a) where the applicant is an individual—
 - (i) the applicant; and
 - (ii) if the applicant carries on or intends to carry on the establishment or agency in partnership with others, each partner of his;
- (b) where the applicant is a partnership, each member of the partnership;
- (c) where the applicant is an organisation, the responsible individual;

“service user” means any person who is to be provided with accommodation or services in an establishment, or by an agency;

“statement of purpose” means—

- (a) in relation to a children’s home, the written statement required in relation to the children’s home in accordance with regulation 4(1) of the Children’s Homes Regulations 2001;
- (b) in relation to a residential family centre, the written statement required in relation to the residential family centre in accordance with regulation 4(1) of the Residential Family Centres Regulations 2002;
- (c) in relation to a fostering agency, the written statement required in relation to the fostering agency in accordance with regulation 3(1) of the Fostering Services Regulations 2002;
- (d) in relation to a voluntary adoption agency, the written statement required in relation to the voluntary adoption agency in accordance with regulation 3(1) of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003;
- (e) in relation to an adoption support agency, the written statement required in relation to the adoption support agency in accordance with regulation 5(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005;

“subsidiary” has the meaning given to it by section 1159 of the Companies Act 2006.

(2) In these Regulations, references to an establishment or agency are to be construed as references—

- (a) in the case of an applicant, to the establishment or agency in respect of which the applicant is seeking to be registered;
- (b) in the case of a registered person, to the establishment or agency in respect of which the applicant is registered.

(3) In these Regulations the terms “employed” and “employment” include employment under a contract of service or a contract for services, or otherwise than under a contract and whether or not for payment.

PART 2

Applications for Registration

Information and documents to be provided by an applicant

3.—(1) An application for registration shall—

- (a) be in writing on a form approved by the CI;
- (b) be sent or delivered to the CI;
- (c) be accompanied by a recent photograph of the responsible person, of whom the photograph shall be a true likeness;
- (d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).

(2) Subject to paragraph (5), a person who is seeking to be registered as a person who carries on an establishment or agency shall provide to the CI—

- (a) full information in respect of the matters set out in Parts 1 and 2 of Schedule 1 and if the CI so requests full information in respect of the matters set out in Part 3 of that Schedule; and
- (b) the documents listed in Schedule 2.

(3) Subject to paragraph (5), a person who is seeking to be registered as a manager in respect of an establishment or agency shall provide to the CI—

- (a) full information in respect of each of the matters set out in Part 1 of Schedule 3; and
- (b) the documents listed in Part 2 of that Schedule.

(4) Subject to paragraph (5), a person who is seeking to be registered in respect of a children's home shall provide to the CI full information in respect of each of the matters set out in Schedule 4.

(5) Where a person has already provided full information in respect of any matter in relation to an earlier application for registration and that information has not changed, the person must inform the CI of that fact and does not have to provide the information in respect of that matter.

(6) The applicant shall provide to the CI any other information or documents that the CI may reasonably require in relation to the application for registration.

Interview

4. The responsible person shall, if the CI so requests, attend an interview for the purpose of enabling the CI to determine whether the applicant is fit to carry on or manage the establishment or agency in respect of which the applicant seeks to be registered.

Notice of changes

5. The applicant shall give notice to the CI of any changes to the information or documents provided under this Part which occur after the application for registration is made and before it is determined.

Information as to staff engaged after application made

6. Where an applicant applies for registration as a person who carries on an establishment or agency and, before the application is determined, engages a person to work at the establishment or for the purposes of the agency, the applicant shall, in respect of each person so engaged—

- (a) obtain the information specified in Part 3 of Schedule 1 and the documents listed in paragraph 9 of Schedule 2; and
- (b) provide to the CI, if the CI so requests, any of the information or documents which the applicant is required to obtain under sub-paragraph (a).

PART 3

Registers and Certificates of Registration

Registers

7.—(1) The CI shall keep a register in respect of the following establishments and agencies—

- (a) children's homes;
- (b) residential family centres;
- (c) fostering agencies;
- (d) voluntary adoption agencies; and

(e) adoption support agencies.

(2) Each register shall contain, in relation to each establishment or agency in respect of which a person is registered under the Act, the particulars specified in Schedule 5.

(3) The register may be kept in electronic form, provided that the information so recorded is capable of being reproduced in a legible form.

(4) When the register in respect of an establishment or agency other than a children's home is being made available for inspection or a copy of, or extract from, that register is being provided under section 36(1) or (2) of the Act to a person other than a local authority, none of the particulars listed in paragraphs 1, 2 and 10 of Schedule 5 shall be provided.

(5) When the register in respect of a children's home is being made available for inspection or a copy of, or extract from, that register is being provided under section 36(1) or (2) of the Act to any person other than a local authority, none of the information in paragraphs 1, 2, 3 or 10 of Schedule 5 shall be provided and any inspection report in that register shall not contain the name and address of the children's home or any other information by which the children's home could be identified.

Contents of certificate

8. A certificate of registration issued by the CI shall contain the following particulars—

- (a) the name, address and telephone number of the CI;
- (b) the name and address of the registered provider;
- (c) where the person is an organisation, the name of the responsible individual;
- (d) the name of the registered manager;
- (e) the description of the establishment or agency by reference to a description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act;
- (f) where the registration is subject to any condition, details of the condition;
- (g) the date of registration;
- (h) a statement, that if an establishment or agency is not carried on in accordance with the relevant requirements and any conditions, the registration is liable to be cancelled by the CI;
- (i) a statement that the certificate relates only to the person to whom it is issued by the CI and is not capable of being transferred to another person;
- (j) in the case of a voluntary adoption agency or adoption support agency, the address of the principal office and any branch of the agency;
- (k) in the case of a fostering agency, the address of any branch of the agency.

Return of certificate

9. If the registration of a person in respect of an establishment or agency is cancelled, that person shall, not later than the day on which the decision or order cancelling the registration takes effect, return the certificate of registration to the CI by—

- (a) delivering it to the CI; or
- (b) sending it to the CI by registered post or recorded delivery.

PART 4

Conditions and Reports

Application for variation or removal of a condition

10.—(1) In this regulation—

“application” means an application by the registered person under section 15(1)(a) of the Act for the variation or removal of a condition in relation to that person’s registration; and
“proposed effective date” means the date requested by the registered person as the date on which the variation or removal applied for is to take effect.

- (2) An application shall be—
- (a) made in writing on a form approved by the CI;
 - (b) sent or delivered to the CI not less than six weeks before the proposed effective date or such shorter period (if any) before that date as may be agreed with the CI; and
 - (c) accompanied by the information specified in paragraph (3).
- (3) The following information is specified—
- (a) the proposed effective date;
 - (b) the registered person’s reasons for making the application;
 - (c) details of changes that the registered person proposes to make in relation to the establishment or agency as a consequence of the variation or removal applied for, including details of—
 - (i) proposed structural changes to the premises that are used as an establishment or for the purposes of an agency;
 - (ii) additional staff, facilities or equipment, or changes in management that are required to ensure that the proposed changes are carried into effect; and
 - (iii) any changes to the information listed in Part 2 of Schedule 1;
 - (d) where the application is in respect of a children’s home, details of any changes to the information listed in Schedule 4 that the registered person proposes to make as a consequence of the variation or removal applied for.
- (4) The registered person shall provide the CI with any other documents or information that the CI may reasonably require in relation to the application.

Report as to financial viability

11. If it appears to the registered person that the establishment or agency is likely to cease to be financially viable at any time within the next following six months, the registered person shall give a report to the CI of the relevant circumstances.

PART 5

Cancellation of Registration

Cancellation of registration

12. The following grounds are specified for the purposes of section 14(1)(d) of the Act as grounds on which the CI may cancel the registration of a person in respect of an establishment or agency—

- (a) that the person has failed to pay, at the time prescribed under section 16(3) of the Act, the annual fee payable by virtue of that subsection;
- (b) that the person has in relation to any application—
 - (i) for registration; or
 - (ii) for the variation or removal of a condition in relation to the applicant’s registration, made a statement which is false or misleading in any material respect or provided false information; or
- (c) that the establishment or agency has ceased to be financially viable, or is likely to cease to be so within the next six months.

Application for cancellation of registration

13.—(1) In this regulation—

“application for cancellation” means an application by the registered person under section 15(1)(b) of the Act for the cancellation of that person’s registration;

“notice of application for cancellation” means a notice by the registered person stating that the registered person has made, or intends to make, an application for cancellation; and

“proposed effective date” means the date requested by the registered person as the date on which the cancellation applied for is to take effect.

(2) An application for cancellation shall be—

- (a) in writing on a form approved by the CI;
- (b) sent or delivered to the CI not less than three months before the proposed effective date or such shorter period (if any) before that date as may be agreed with the CI; and
- (c) accompanied by the information specified in paragraph (4).

(3) If the registered person makes an application for cancellation the registered person shall, not more than seven days thereafter, give notice of the application for cancellation to each of the persons specified in paragraph (4)(d), other than a person to whom the registered person has given such notice within three months before making the application for cancellation.

(4) The following information is specified—

- (a) the proposed effective date;
- (b) a statement as to the arrangements (if any) that have been made by the registered person to ensure that on and after—
 - (i) the date of application for cancellation; and
 - (ii) the proposed effective date,

service users will continue to be provided with similar accommodation (if any) and services as those provided to them in the establishment or by the agency at the date on which the application for cancellation is made;

- (c) the registered person’s reasons for making the application for cancellation;
- (d) particulars of any notice of application for cancellation that has been given to any of the following persons—
 - (i) service users;
 - (ii) persons who appear to the registered person to be representatives of service users; and
 - (iii) the local authority in whose area the establishment or the premises used by the agency are situated;
- (e) where the registered person has not given notice of an application for cancellation to—
 - (i) each service user;
 - (ii) in respect of each service user, a person who appears to the registered person to be a representative of that service user; and
 - (iii) the local authority,

a statement as to whether there were any circumstances which prevented the registered person from giving, or made it impracticable for that person to give, notice of an application for cancellation to any of the persons or bodies referred to in heads (i) to (iii) of this sub-paragraph before the date on which the registered person applied for cancellation;

- (f) where the registered person has applied for cancellation less than three months before the proposed effective date, a report as to whether the establishment or agency has ceased, or is likely to cease within the next following twelve months, to be financially viable.

(5) The registered person shall provide the CI with any other information or any documents that it may reasonably require in relation to the registered person’s application for cancellation.

PART 6

Electronic Transmission

Electronic transmission

14. Any document or information required to be sent or delivered to the CI under these Regulations, apart from under regulation 9, may be sent or delivered by transmitting the document or the information by any means of electronic communication to an electronic address, being an address which the CI has provided as an address for the purposes of receiving such documents and information.

PART 7

Revocations and Transitional Provision

Revocations and transitional provision

15. The National Care Standards Commission (Registration) Regulations 2001 (the “2001 Regulations”)(a) and the National Care Standards Commission (Registration)(Amendment) Regulations 2003(b) are revoked.

16. Where an application for registration, for cancellation or for the variation or removal of a condition is made but not determined before the coming into force of these Regulations, the application will be considered as if the 2001 Regulations were still in force, and the registered person shall provide to the CI any other information or documents that the CI may require.

24th August 2010

Tim Loughton
Parliamentary Under Secretary of State
Department for Education

SCHEDULE 1

Regulation 3(2)(a)

Information to be supplied on an application for registration as a person
who carries on an establishment or agency

PART 1

Information about the applicant

1. Where the applicant is an individual—
 - (a) the responsible person’s full name, date of birth, current address and telephone number;
 - (b) where applicable, any other addresses the responsible person has lived at within five years of the date of making the application;

(a) S.I. 2001/3969.

(b) S.I. 2003/369.

- (c) details of the responsible person's professional or technical qualifications and experience of carrying on an establishment or agency, so far as such qualifications and experience are relevant to providing services for persons to whom services are to be provided at the establishment or by the agency;
- (d) details of the responsible person's employment history, including the name and address of their present employer and of any previous employers;
- (e) details of any business the responsible person carries on or has carried on;
- (f) the name and addresses of two referees—
 - (i) who are not relatives of the responsible person;
 - (ii) each of whom is able to provide a reference as to the responsible person's competence to carry on an establishment or agency of the same description as the establishment or agency; and
 - (iii) one of whom has employed the responsible person for a period of at least 3 months, but the requirement for the name and address of a referee who has employed the responsible person for a period of at least 3 months shall not apply where it is impracticable to obtain a reference from a person who fulfils that requirement;
- (g) if the applicant intends to carry on the establishment or agency in partnership with others, the information specified in sub-paragraphs (a) to (f) of this paragraph in relation to each partner of the applicant.

2. Where the applicant is a partnership—

- (a) the name and address of the partnership;
- (b) in relation to each member of the partnership, the information specified in paragraph 1(a) to (f).

3. Where the applicant is an organisation—

- (a) the name of the organisation and the address of the registered office or principal office of the organisation;
- (b) the full name, date of birth, address and telephone number of the responsible individual;
- (c) details of the professional or technical qualifications of the responsible individual and that individual's experience of carrying on an establishment or agency of the same description as the establishment or agency, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency;
- (d) if the organisation is a subsidiary of a holding company, the name and address of the registered or principal office of the holding company and of any other subsidiary of that holding company;

4. In all cases except where the applicant is a local authority—

- (a) a reference from a bank expressing an opinion as to the applicant's financial standing;
- (b) a statement as to whether the responsible person has been adjudged bankrupt, is a person in respect of whom a debt relief order has been made or sequestration of his estate has been ordered, or whether the responsible person has made a composition or arrangement with, or granted a trust deed for, their creditors;
- (c) a statement as to the applicant's ability to ensure the financial viability of the establishment or agency for the purpose of achieving the aims and objectives of the establishment or agency set out in its statement of purpose;
- (d) a business plan in respect of the establishment or agency;
- (e) details of the cash-flow or, where unavailable, predicted cash-flow in respect of the establishment or agency.

PART 2

Information about the establishment or agency

5. The name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of the establishment or agency.

6. Where the establishment or agency is being operated from more than one site the name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of each site.

7. The description of establishment or agency by reference to a description of establishment or agency specified in section 4(8)(a) or (9)(a) of the Act in respect of which the applicant seeks to be registered.

8. The statement of purpose of the establishment or agency.

9. A statement as to the accommodation, facilities and services which are to be provided by the establishment or agency including the extent and, where appropriate, location of such accommodation, facilities and services and where the agency is being operated at more than one site details of the accommodation, facilities and services at each site.

10. Where applicable, details of any travel arrangements between sites.

11. The date on which the establishment or agency was established or is proposed to be established.

12. Details of the scale of charges payable by the service users.

13. In respect of each of the premises to be used by an establishment—

- (a) a description of the premises, including a statement as to whether the premises are purpose-built or have been converted for use as an establishment;
- (b) a description of the area in which the premises are located.

14. In respect of the premises to be used by an establishment or for the purposes of an agency, a statement as to whether, at the date the application is made, the premises are capable of being used for the purpose of—

- (a) achieving the aims and objectives set out in the statement of purpose of the establishment or agency; and
- (b) providing facilities and services in accordance with the statement referred to in paragraph 9,

without the need for planning permission, building works, or conversion of the premises and, if the premises are not capable of such use at the date the application is made, details of the permission, works or conversion needed.

15. A statement as to the security arrangements, including arrangements for the purposes of—

- (a) safeguarding access to information held by the establishment or agency; and
- (b) restricting access from adjacent premises or, when the premises form part of a building, from other parts of the building.

16. The name and address of any other establishment or agency, of a description specified in section 4(8)(a) or (9)(a) of the Act, which the applicant has or has had a business or financial interest, or at which the applicant is or has been employed, and details of such interest or employment.

17. Whether any other business is or will be carried on in the same premises as those of the establishment or agency and, if so, details of that business.

Information about staff posts

18. A list of staff posts at the establishment and the duties and responsibilities attaching to each post.

PART 3

Further information about staff

19. In respect of any person, other than the applicant, who works at, or is intended to work at the establishment or for the purposes of the agency—

- (a) whether the person is, or is intended to be, resident in the premises used as the establishment or for the purposes of the agency; and
- (b) if the person is a relative of any person who has made an application in respect of the establishment or agency, their relationship to such person.

20. Where a person is, or is intended to be resident in the premises used as the establishment or for the purposes of the agency the name, sex and date of birth of that person.

SCHEDULE 2

Regulation 3(2)(b)

Documents to be supplied on an application for registration as a person who carries on an establishment or agency

Documents concerning applicant

1. The responsible person's birth certificate.
2. Certificates or other suitable evidence relating to the responsible person's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.
- 3.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the responsible person is physically and mentally fit to carry on an establishment or agency of the same description as the establishment or agency.
(2) Where the responsible person is unable to obtain the report referred to in sub-paragraph (1), a statement by the responsible person as to the state of his physical and mental health.
4. In relation to the responsible person—
 - (a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997(a) which includes, as applicable, suitability information relating to vulnerable adults (as defined in section 113BB(2) of that Act) or suitability information relating to children (as defined in section 113BA(2) of that Act) or both; and
 - (b) the application for that certificate which was signed by the CI.
5. Where the applicant is a body corporate, a copy of each of its last two annual reports.

(a) 1997 c.50. Section 113B was inserted by the Serious Organised Crime and Police Act 2005 (c.15), and amended by the Protection of Vulnerable Groups (Scotland) Act 2007 (asp. 14), the Policing and Crime Act 2009 (c.26), the Safeguarding Vulnerable Groups Act 2006 (c.47), and the Armed Forces Act 2006 (c.52). Section 113BB(2) was inserted by the Safeguarding Vulnerable Groups Act 2006 and amended by the Policing and Crime Act 2009. Section 113BA(2) was inserted by the Safeguarding Vulnerable Groups Act 2006 and amended by the Policing and Crime Act 2009, the Education and Inspections Act 2006 (c.40) and the Education and Skills Act 2008 (c.25).

6. Where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company.

7. The last annual accounts (if any) of the establishment or agency.

8. A certificate of insurance for the applicant in respect of liability which may be incurred by the applicant in relation to the establishment or agency in respect of death, injury, public liability, damage or other loss.

Criminal record certificates in respect of staff

9.—(1) A statement confirming that—

- (a) the documents specified in sub-paragraph (2) have been issued—
 - (i) in the case of any applicant, to every person, other than the applicant, who works, or is intended to work, for the purposes of the establishment or agency; and
 - (ii) where the applicant is an organisation, to the responsible individual; and
- (b) the applicant will make the documents available for inspection by the CI if the CI so requires.

(2) The following documents are specified—

- (a) where the position falls within regulation 5A(a) of the Police Act 1997 (Criminal Records) Regulations 2002^(a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (as defined in section 113BB(2) of that Act) or suitability information relating to children (as defined in section 113BA(2) of that Act), or both; or
- (b) in any other case, a criminal record certificate issued under section 113A^(b) of the Police Act 1997.

Other documents

10.—(1) In the case of—

- (a) a fostering agency;
- (b) a voluntary adoption agency, or
- (c) an adoption support agency,

a copy of the children's guide.

(2) in the case of a residential family centre, a copy of the resident's guide.

(a) S.I. 2002/233. Regulation 5A was inserted by The Police Act 1997 (Criminal Records) (Amendment) Regulations 2006 (S.I. 2006/748).

(b) Section 113A was inserted by the Serious Organised Crime and Police Act 2005 (c.15) and amended by the Protection of Vulnerable Groups (Scotland) Act 2007, the Policing and Crime Act 2009, the Police Act 1997 (Criminal Records)(Electronic Communications) Order 2009 (S.I. 2009/203), the Criminal Justice and Immigration Act 2008 (c.4) and the Safeguarding Vulnerable Groups Act 2006.

Information and documents to be supplied on an application for
registration as the manager of an establishment or agency

PART 1

Information

1. The applicant's full name, date of birth, current address and telephone number.
2. Where applicable, any other addresses the applicant has lived at within five years of making the application.
3. Details of the applicant's professional or technical qualifications, and experience of managing an establishment or agency, so far as such qualifications and experience are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.
4. Details of the applicant's professional training relevant to carrying on or managing an establishment or agency.
5. Details of the applicant's employment history, including the name and address of their present employer and of any previous employers.
6. Details of any business the applicant carries on or manages or has carried on or managed.
7. The name and addresses of two referees—
 - (a) who are not relatives of the applicant;
 - (b) each of whom is able to provide a reference as to the applicant's competence to manage an establishment or agency of the same description as the establishment or agency; and
 - (c) one of whom has employed the applicant for a period of at least 3 months,but the requirement for the name and address of a referee who has employed the applicant for a period of at least 3 months shall not apply where it is impracticable to obtain a reference from a person who fulfils that requirement.
8. The name, address, telephone number, facsimile number (if any), and electronic mail address (if any) of the establishment or agency.

PART 2

Documents

9. The applicant's birth certificate.
10. Certificates or other suitable evidence relating to the applicant's professional or technical qualifications, so far as such qualifications are relevant to providing services for persons for whom services are to be provided at the establishment or by the agency.
- 11.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the applicant is physically and mentally fit to manage an establishment or agency of the same description as the establishment or agency.
(2) Where the applicant is unable to obtain the report referred to in sub-paragraph (1), a statement by the applicant as to the state of his physical and mental health.
- 12.—(1) An enhanced criminal record certificate issued under section 113B of the Police Act 1997 and, as applicable, suitability information relating to vulnerable adults (as defined in section

113BB(2) of that Act) or suitability information relating to children (as defined in section 113BA(2) of that Act) or both; and

(2) the application for that certificate which was signed by the CI.

SCHEDULE 4

Regulation 3(4)

Information to be supplied on an application for registration in respect of a children's home

1. The following details about the children who are intended to be accommodated at the children's home—

- (a) their age range;
- (b) their sex;
- (c) the maximum number of such children;
- (d) whether they are selected by reference to other criteria than age or sex, and if so those criteria.

2. The organisational structure of the children's home.

3. The facilities and services to be provided within the children's home for the children accommodated.

4. The arrangements for protecting and promoting the health of any children accommodated.

5. The fire precautions and emergency procedures.

6. The arrangements to allow children to follow religious observance.

7. The arrangements for contact between a child and his parents, relatives and friends.

8. The procedure for dealing with any unauthorised absence of a child from the children's home.

9. The arrangements for allowing children in the children's home to raise issues, and the procedure for dealing with complaints.

10. The arrangements for the education of any child accommodated.

11. The arrangements for dealing with reviews of the placement plans of any children accommodated.

12. A copy of the behaviour management policy.

13. A copy of the children's guide.

SCHEDULE 5

Regulation 7(2)

Particulars to be recorded in the registers kept by the CI

All establishments and agencies

1. The full name and address of each person registered in respect of the establishment or agency.

2. Where the registered person is an organisation—

- (a) the address of the registered office or principal office of the organisation;
- (b) the full names and addresses of any responsible individual.

3. The full name, address and telephone number of the establishment or agency and any branches and in the case of a voluntary adoption agency the reference to the address of the agency means the address of the principal office and any branch of the agency.

4. The type of establishment or agency by reference to a description of establishment or agency specified in section 4(8)(a) or (9(a) of the Act.

5. The date of registration and of the issue of the certificate of registration and, where applicable, the date of any cancellation of registration.

6. The details of any conditions imposed on registration, any additional conditions imposed and any variation of any condition.

7. The registration number.

8. A copy of the most recent inspection report.

9. The most recent inspection judgment.

10. The date and nature of any enforcement action being taken against the establishment or agency.

11. The date of the most recent inspection.

Children's homes

12. In the case of the register relating to children's homes—

(a) which (if any) of the following types of children's homes are applicable, each type to be indicated by reference to the following code—

children's homes (other than any of the following types in this sub-paragraph)	CH
boarding school	CHBS
residential special school	CHRSS
secure children's home	CH(S)
refuge	CHR

(b) the number of service users of each sex;

(c) which (if any) of the following categories in respect of service users are applicable, each category to be indicated by reference to the following code—

children with emotional or behavioural difficulties	EBD
children with physical disabilities	PD
children with learning disabilities	LD
children with mental disorders, excluding learning disability	MD
children with present drug dependence	D
children with present alcohol dependence	A
Children with sensory impairment	SI

Registers relating to residential family centres, fostering agencies and adoption support agencies

13. In the case of the register relating to—

(a) residential family centres, the code RFC;

(b) fostering agencies, the code IFA;

(c) adoption support agencies, the code ASA.

14. In the case of a register relating to a residential family centre the number of families accommodated.

Voluntary adoption agencies register

15.—(1) In the case of the register relating to voluntary adoption agencies, which of the following categories of voluntary adoption agency is applicable, each category to be indicated by reference to the following code—

domestic adoption services only	DA
intercountry adoption services only	ICA
domestic and intercountry adoption services	DICA
domestic adoption services and adoption support services	DA&AS
intercountry adoption services and adoption support services	ICA&AS
domestic and intercountry adoption services and adoption support services	DICA&AS

(2) For the purposes of sub-paragraph (1)—

“adoption support services” has the same meaning as in section 2(6) of the Adoption and Children Act 2002(a);

“domestic adoption services” means services in relation to adoptions other than intercountry adoptions;

“domestic and intercountry adoption services” means domestic adoption services and intercountry adoption services;

“intercountry adoption” means—

(a) the adoption of a child habitually resident in the British Islands by prospective adopters habitually resident outside the British Islands; or

(b) the adoption of a child habitually resident outside the British Islands; and

“intercountry adoption services” means services in relation to intercountry adoptions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to England only. Part 1 of the Act provides in relation to England, for the Chief Inspector for Education, Children’s Services and Skills (“CI”) to be the registration authority. Part 2 of the Act provides for the registration and inspection by the CI of the following descriptions of establishments and agencies: children’s homes, residential family centres, fostering agencies, voluntary adoption agencies and adoption support agencies.

These Regulations make provision in relation to the registration of the establishments and agencies referred to above.

Regulation 3 of and Schedules 1 to 4 to these Regulations specify the information and documents that are to be provided by an applicant for registration.

Regulation 4 requires the responsible person to attend an interview if requested to do so by the CI.

Regulations 5 and 6 require the applicant to give notice of certain changes and changes to staff engaged after the application for registration is made and before it is determined.

(a) 2002 c.38.

Regulation 7 requires the CI to keep a register in respect of each description of establishment or agency. It provides, together with Schedule 5, for the information that each register is to contain.

Regulation 8 specifies the particulars that any certificate of registration is to contain.

Regulation 9 requires a person who is registered in respect of an establishment or agency to return the certificate to the CI if the registration is cancelled.

Regulation 10 makes provision in respect of an application by the registered person to apply for the variation or removal of a condition in relation to his registration.

Regulation 11 requires the registered person to report the relevant circumstances to the CI if it appears that the establishment or agency is likely to cease to be financially viable.

Regulation 12 specifies certain grounds on which the CI may cancel a person's registration. Other grounds on which registration may be cancelled are specified by section 14 of the Act.

Regulation 14 provides that any document or information (apart from a certificate of registration) required to be sent or delivered to the CI may be sent or delivered to an electronic address provided by the CI.

Regulation 15 revokes The National Care Standards Commission (Registration) Regulations 2001, the National Care Standards Commission (Registration)(Amendment) Regulations 2003 and provides a transitional provision for applications for registration, cancellation or variation or removal of a condition that are made before the coming into force of these Regulations.

An impact assessment has not been prepared for this instrument as impacts on business, charities, voluntary bodies and the public sector will be minimal. The Explanatory Memorandum is available alongside this instrument on the OPSI website (www.opsi.gov.uk).

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