WELSH STATUTORY INSTRUMENTS

2007 No. 311 (W.28)

SOCIAL CARE, WALES

The Children's Homes (Wales) (Miscellaneous Amendments) Regulations 2007

Made - - - -	*6 February 2007*
Coming into force - -	*1 July 2007*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 1(4), 12(2), 16(1), 22(1), (2)(a) to (d), (f) to (j), (3), (4), (5)(a) and (c), (7)(c) and 118 (5) to (7) of the Care Standards Act 2000(**1**) and having consulted such persons as it considers appropriate, makes the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Children's Homes (Wales) (Miscellaneous Amendments) Regulations 2007 and they will come into force on 1 July 2007, except for regulation 2(12), which comes into force on 15 February 2007.

(2) In these Regulations "the Principal Regulations" means the Children's Homes (Wales) Regulations 2002(**2**).

(3) These Regulations apply in relation to Wales.

Amendment of the Principal Regulations.

2.—(1) In this regulation, unless the context otherwise requires, any reference to a numbered regulation is to the regulation in the Principal Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

(2) The Principal Regulations are amended in accordance with the following provisions of this regulation.

(3) In regulation 2 (Interpretation), insert the following in the appropriate place—

> ""link worker" ("*gweithiwr dolen gyswllt*") means a member of children's home staff of appropriate seniority with particular responsibility for protecting and promoting the health and educational welfare of an individual child and for liaison with education and health care providers on that child's behalf ;"

(**1**) 2000 c14.
(**2**) S.I.2002/327 (W.40).

""permanent employee" ("*cyflogai parhaol*") means a person employed full or part time by the registered person, including persons employed on a temporary contract of service for a fixed term of not less than six months;"

""relevant qualification" ("*cymhwyster perthnasol*") means a qualification contained in a list maintained by the National Assembly for the purpose of these Regulations;".

(4) In regulation 8 (Fitness of manager) after paragraph (2) insert—

"(2A) Subject to paragraph (2B) and (2C), a reference to qualifications and experience in paragraph (2)(b)(i) includes a requirement that he or she must—

(a) hold a relevant qualification; and

(b) have worked for not less than five years in the field of children's residential care.

(2B) Where a manager who does not hold a relevant qualification was appointed before 1 July 2007 that person is not fit to manage a children's home unless he or she obtains a relevant qualification not later than—

(a) 1 November 2007; or

(b) such later date as the National Assembly may, in exceptional circumstances, agree .

(2C) Paragraph (2A)(b) does not apply in relation to a manager appointed before 1 July 2007.

(2D) Nothing in paragraphs (2A), to (2C) affects any requirement for a manager to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b).

(2E) A person is not fit to manage a children's home unless he or she is registered as a manager with the Care Council for Wales not later than—

(a) 1 November 2007; or

(b) such later date as the National Assembly may, in exceptional circumstances, agree.".

(5) In regulation 11 (Promotion of welfare) after paragraph (2) insert—

"(3) In complying with the requirements of this regulation and regulations 18(1)(c) and 20(1), the registered person must designate a member of staff to be the "link worker" for each child.".

(6) In regulation 12 (Child's placement plan), in paragraph (1)(b), after the words "health care and education", insert—

"including the name and contact details of the child's link worker.".

(7) In regulation 18 (Education, employment and leisure activity)—

(a) after sub-paragraph (1)(b) delete the word "and"; and

(b) after sub-paragraph (1)(c), insert—

"(d) a child's link worker participates in any review involving consideration of the child's educational progress, whether conducted under the Review of Children's Cases (Wales) Regulations 2007(**3**) or otherwise.".

(8) In regulation 20 (Health needs of children)—

(a) at the end of sub-paragraph (2)(a), after the words "general practitioner" insert—

"and placed under the care of a registered dental practitioner; and

(b) after sub-paragraph (2)(f) insert—

(**3**) S.I. 2007/307 (W.26).

"(g) a child's link worker participates in any review involving consideration of any aspect of a child's health, whether conducted under the Review of Children's Cases (Wales) Regulations 2007 or otherwise.".

(9) In regulation 25 (Staffing of children's homes)—

(a) after paragraph (1) insert—

"(1A) In complying with paragraph (1) the registered person must ensure that at all times after 1 July 2010, or such later date as the Assembly may, in exceptional circumstances agree, not less than 80% of the care staff at the children's home hold a relevant qualification."; and

(b) after paragraph (2) insert—

"(2A) In complying with paragraph (2) the registered person must ensure that at all times after 1 March 2008 or such later date as the Assembly may, in exceptional circumstances agree, not less than 90% of care staff working at the children's home are permanent employees.".

(10) In regulation 26 (Fitness of workers), after paragraph (2), insert—

"(2A) Subject to paragraph (2B) and (2C), in relation to a member of the care staff of a children's home, a reference to qualifications and experience in paragraph (2)(b) includes a requirement that that person must hold a relevant qualification.

(2B) Where a person who does not hold a relevant qualification was appointed to work at a children's home before 1 July 2007, that person is not fit to work at a children's home unless he or she obtains a relevant qualification—

(a) within a period of three years beginning with 1 July 2007; or

(b) by such later date as the National Assembly may in exceptional circumstances agree.

(2C) Where a person who does not hold a relevant qualification is appointed to work at a children's home after 1 July 2007, that person is not fit to work at a children's home unless he or she obtains a relevant qualification—

(a) within a period of three years beginning with the first date following 1 July 2007 on which he or she is appointed to work at a children's home; or

(b) by such later date as the National Assembly may in exceptional circumstances agree.

(2D) Where a person subject to a requirement to obtain a relevant qualification within a period of time specified in accordance with paragraph (2B) or (2C), is appointed during that period to a different post within the field of children's residential care, with the same or a different employer, the period of time so specified is not altered for that reason alone.

(2E) Nothing in paragraphs (2A) to (2C) affects any requirement for a person to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b) and (c).

(2F) A person appointed to work in a children's home before 1 July 2007 is not fit to work in a children's home unless he or she registers as a social care worker with the Care Council for Wales not later than—

(a) 1 March 2008; or

(b) such later date as the National Assembly may in exceptional circumstances agree.

(2G) A person appointed to work in a children's home after 1 July 2007 is not fit to work in a children's home unless he or she registers as a social care worker with the Care Council for Wales not later than—