WELSH STATUTORY INSTRUMENTS

2003 No. 781 (W.92)

CHILDREN AND YOUNG PERSONS, WALES SOCIAL CARE, WALES

The Residential Family Centres (Wales) Regulations 2003

Made - - - - 18th March 2003

Coming into force - - 1st September 2003

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 4(6), 16(3), 22(1), (2)(a) to (d) and (f) to (j), (5)(a) and (c), (7)(a) to (j), 25(1), 34(1), 35(1), and 118(5) to (7) of the Care Standards Act 2000(**1**) and having consulted such persons as it considers appropriate(**2**) hereby makes the following Regulations:—

PART I

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Residential Family Centres (Wales) Regulations 2003 and shall come into force on 1st September 2003.

(2) These Regulations apply in relation to residential family centres in Wales.

Interpretation

2.—(1) In these Regulations—

"the 2000 Act" ("*y Deddf 2000*") means the Care Standards Act 2000;

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(**3**)

"appropriate office" ("*swyddfa briodol*") means in relation to a residential family centre —

(a) if an office has been specified under paragraph (5) for the area in which the residential family service in situated, that office;

(**1**) 2000 c. 14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the 2000 Act, in relation to Wales, as the National Assembly for Wales and, in relation to England, Scotland and Northern Ireland, as the Secretary of State. "Prescribed" and "regulations" are defined in section 121(1) of that Act.

(**2**) *See* section 22(9) of the 2000 Act for the requirement to consult.

(**3**) 1989 c. 41

(b) in any other case, any office of the National Assembly;

"child protection enquiry" ("*ymholiad amddiffyn plant*") has the meaning given to it by regulation 12(3)(a);

"family" ("*teulu*") means a child and his or her parent accommodated or to be accommodated together in a residential family centre, and the expression "member of the family" ("*aelod o'r teulu*") shall be construed accordingly;

"general practitioner" ("*ymarferydd cyffredinol*") means a registered medical practitioner who—

(a) provides general medical services under Part II of the National Health Service Act 1977(**4**) ,

(b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997(**5**); or

(c) provides services which correspond to services provided under Part II of the National Health Service Act 1977 otherwise than in pursuance of that Act;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"organisation" ("*corff*") means a body corporate;

"parent" has the meaning given to it by section 4(2) of the 2000 Act ;

"placement plan" ("*cynllun lleoliad*") means the plan prepared in accordance with regulation 13;

"placing authority" ("*awdurdod lleoli*") means, in relation to a family, the local authority or other body responsible for arranging for the family to be accommodated in a residential family centre;

"registered manager" ("*rheolwr cofrestredig*"), in relation to a residential family centre, means a person who is registered under Part II of the Act as the manager of the residential family centre;

"registered person" ("*person cofrestredig*"), in relation to a residential family centre, means any person who is the registered provider or the registered manager of the residential family centre;

"registered provider" ("*darparydd cofrestredig*"), in relation to a residential family centre, means a person who is registered under Part II of the 2000 Act as the person carrying on the residential family centre;

"resident" ("*trigolyn*") means any person who is for the time being accommodated in a residential family centre;

"responsible individual" ("unigolyn cyfrifol") shall be construed in accordance with regulation 5; and

"statement of purpose ("datganiad o ddiben") means the written statement compiled in accordance with regulation 4.

(2) In these Regulations, save where otherwise provided, references to a child do not include a parent accommodated in a residential family centre who is under the age of 18.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

(**4**) 1977 c. 49.
(**5**) 1997 c. 46.

(4) In these Regulations, a reference—

(a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number; and

(b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number.

(5) The National Assembly may specify an office controlled by it as the appropriate office in relation to a residential family centre situated in a particular part of Wales.

Excepted establishments

3. For the purposes of the 2000 Act, an establishment is excepted from being a residential family centre if —

(a) it is a health service hospital, an independent hospital, an independent clinic or a care home;

(b) it is a hostel or a domestic violence refuge; or

(c) in any other case, the main purpose of the establishment is to provide accommodation together with other services or facilities to adult individuals, and the fact that those individuals may be parents, or may be accompanied by their children, is incidental to the main purpose of the establishment.

Statement of Purpose

4.—(1) The registered person must compile in relation to the residential family centre a written statement (in these Regulations referred to as "the statement of purpose") which must consist of a statement as to the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to the appropriate office of the National Assembly and must make a copy of it available, upon request, for inspection by —

(a) any person who works at the residential family centre;

(b) any resident;

(c) any local authority exercising any functions under the 1989 Act relating to the residential family centre.

(3) The registered person must produce a written guide to the residential family centre (the "resident's guide") which includes a summary of the statement of purpose, and must supply a copy of it to the appropriate office of the National Assembly and to each parent accommodated in the residential family centre.

(4) The registered person must —

(a) keep under review and where appropriate revise the statement of purpose and resident's guide; and

(b) notify the appropriate office of the National Assembly within 28 days of any such revision.

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

(6) Nothing in paragraph (5) or in regulations 14(1) or 21(1) shall require or authorise the registered person to contravene or not comply with —

(a) any other provision of these Regulations; or

(b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the 2000 Act.

PART II

REGISTERED PERSONS

Fitness of registered provider

5.—(1) A person must not carry on a residential family centre unless he or she is fit to do so.

(2) A person is not fit to carry on a residential family centre unless the person —

(a) is an individual who satisfies the requirements set out in paragraph (3); or

(b) is an organisation and —

(i) the organisation has given notice to the National Assembly of the name, address and position in the organisation of an individual (in these regulations referred to as "the responsible individual" who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the residential family centre; and

(ii) that individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that —

(a) the individual is of suitable integrity and good character to carry on the residential family centre;

(b) the individual is physically and mentally fit to carry on the residential family centre; and

(c) full and satisfactory information is available in relation to the individual —

(i) in respect of each matter specified in paragraphs 1 to 6 of Schedule 2:

(ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2;

(iii) and further, where paragraph (4) applies, in a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999(**6**)and regulations made under section 218 of the Education Reform Act 1988(**7**).

(4) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.

(5) A person is not fit to carry on a residential family centre if —

(a) that person has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or

(b) he or she has made a composition or arrangement with his or her creditors, and has not been discharged in respect of it.

Appointment of manager

6.—(1) The registered provider must appoint an individual to manage a residential family centre if —

(a) there is no registered manager in respect of the residential family centre; and

(b) the registered provider—

(i) is an organisation;

(ii) is not a fit person to manage a residential family centre; or

(**6**) 1999 c. 14.
(**7**) 1988 c. 40.

(iii) is not, or does not intend to be, in full-time day to day charge of the residential family centre.

(2) Where the registered provider appoints a person to manage the residential family centre, the registered provider must forthwith give notice to the appropriate office of the National Assembly of —

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

(b) the date on which the appointment is to take effect.

Fitness of manager

7.—(1) A person must not manage a residential family centre unless he or she is fit to do so.

(2) A person is not fit to manage a residential family centre unless—

(a) the person is of suitable integrity and good character to manage the residential family centre;

(b) having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents —

(i) the person has the qualifications, skills and experience necessary to manage the centre; and

(ii) the person is physically and mentally fit to do so;

(c) full and satisfactory information is available in relation to the person —

(i) in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;

(ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2;

(iii) and further, where paragraph (3) applies, in a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999(**8**) and regulations made under section 218 of the Education Reform Act 1988(**9**).

(3) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.

Registered person — general requirements

8.—(1) The registered provider and the registered manager must, having regard to the size of the residential family centre, the statement of purpose, and the number and needs of the residents, carry on or manage the centre (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is —

(a) an individual, he or she must undertake; or

(b) an organisation, it must ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that he or she has the skills necessary for carrying on the residential family centre.

(3) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the skills necessary for managing the residential family centre.

(**8**) 1999 c. 14.
(**9**) 1988 c. 40.