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STATUTORY INSTRUMENTS

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**2004 No. 2071**

**The Adult Placement Schemes (England) Regulations 2004**

**PART 4**

**CONDUCT OF ADULT PLACEMENT SCHEMES**

**CHAPTER 1**

**OPERATION OF ADULT PLACEMENT SCHEME**

**General conduct of adult placement scheme**

**21.**—(1) The registered person shall make suitable arrangements to ensure that the scheme is conducted, and that care or support (including any accommodation) is provided—

- (a) so as to ensure the safety of service users;
- (b) so as to ensure that a placement is not made in an emergency unless that is in the interests of the service user in question, and the needs of the adult placement carer and other household members have been considered;
- (c) so as to safeguard service users against abuse, harm or neglect;
- (d) so as to promote the independence of service users;
- (e) so as to ensure the safety and security of service users' property;
- (f) in a manner which respects the privacy, dignity and wishes of service users, and the confidentiality of information relating to them; and
- (g) with due regard to the sex, sexual orientation, age, religious persuasion, racial origin, and cultural and linguistic background and any disability of service users, and to the way in which they wish to conduct their lives.

(2) The registered provider and the registered manager (if any) shall, in relation to the conduct of the scheme—

- (a) maintain good personal and professional relationships with each other and with adult placement carers, service users and staff;
- (b) encourage and assist staff to maintain good personal and professional relationships with both adult placement carers and service users;
- (c) encourage and assist adult placement carers to maintain good personal and professional relationships with service users.

(3) The registered person shall make appropriate arrangements to ensure that the views of service users are taken into account in the conduct of the scheme.

**Information, documents and records**

**22.**—(1) The registered person shall ensure that the information and documents specified in Schedule 3 and the records specified in Schedule 4 are kept and that they are—

- (a) kept up to date, in good order, in a secure manner and in accordance with any rule of law applicable to the information contained within them;
  - (b) at all times available for inspection at the principal office of the scheme by any person authorised by the CSCI to enter and inspect the premises;
  - (c) retained for a period of not less than three years beginning on the date of the last entry.
- (2) The registered person must ensure that the scheme has a written policy about the keeping of the information, documents and records specified in Schedules 3 and 4.

### **Complaints**

**23.**—(1) The registered person shall establish a procedure (“the complaints procedure”) for considering complaints made to the registered person by an adult placement carer, a service user or a person acting on behalf of a service user.

(2) The complaints procedure must be appropriate to the needs of service users.

(3) The registered provider shall ensure that any complaint made under the complaints procedure is fully investigated.

(4) The registered provider shall, as soon as is reasonably practicable but in any event within 28 days of the date on which the complaint was received inform the person who made the complaint of the action (if any) that is to be taken in response.

(5) The registered provider shall supply a copy of the complaints procedure to every service user whom it has placed and to any person acting on behalf of a service user if that person so requests.

(6) The copy of the complaints procedure shall include—

- (a) the address and telephone number of the CSCI; and
- (b) the procedure (if any) that has been notified by the CSCI to the registered person for the making of complaints to the CSCI in relation to the scheme.

(7) The registered person shall supply to the CSCI at its request a statement containing a summary of the complaints made during the preceding twelve months and of the action that was taken in response to each complaint.

### **Review of quality of scheme’s operations**

**24.**—(1) The registered person shall establish and maintain a system for—

- (a) reviewing at appropriate intervals and in any event at least once in every 12 months; and
- (b) improving,

the quality of the operation of the scheme, including the quality of the accommodation (where provided) and care or support provided in placements.

(2) The registered person shall supply to the CSCI a report in respect of any review conducted by him for the purposes of paragraph (1), and make a copy of the report available, on request, to adult placement carers, service users and to any representatives of service users.

(3) The system referred to in paragraph (1) shall provide for consultation with adult placement carers, service users and their representatives.

### **Visits by registered provider**

**25.**—(1) Where the registered provider is an individual who does not manage the scheme, he shall visit the principal office of the scheme in accordance with this regulation.

(2) Where the registered provider is an organisation or partnership, the principal office of the scheme shall be visited in accordance with this regulation by—

- (a) the responsible individual or one of the partners, as the case may be;
  - (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
  - (c) an employee of the organisation or the partnership who is not directly concerned with the conduct of the scheme.
- (3) Visits under paragraph (1) or (2) shall take place at least once every 12 months and shall be announced.
- (4) The registered provider shall assist adult placement carers with whom it has placed a service user and such service users to provide their views about the scheme for the purposes of visits carried out under this regulation.
- (5) The person carrying out the visit shall—
- (a) interview, in private, such adult placement carers and service users and their representatives who wish to be interviewed;
  - (b) inspect the records referred to in paragraph (4) of Schedule 4, and records of any complaints; and
  - (c) prepare a written report on the conduct of the scheme.
- (6) An interview referred to in paragraph (5)(a) must take place in such reasonable place chosen by the person to be interviewed.
- (7) The registered provider shall supply a copy of the report required to be made under paragraph (5)(c) to—
- (a) the CSCI;
  - (b) any registered manager; and
  - (c) in the case of a visit under paragraph (2)—
    - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
    - (ii) where the registered provider is a partnership, to each of the partners.

#### **Staff views as to conduct of scheme**

**26.—**(1) This regulation applies to any matter relating to the conduct of the scheme so far as it may affect the health or welfare of service users.

(2) The registered person shall make arrangements to enable staff to inform the registered person and the CSCI of their views about any matter to which this regulation relates.