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STATUTORY INSTRUMENTS

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**2013 No. 1394**

**The Residential Holiday Schemes for Disabled  
Children (England) Regulations 2013**

**PART 1**

**General**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Residential Holiday Schemes for Disabled Children (England) Regulations 2013 and come into force on 1st July 2013.

(2) These Regulations apply in relation to holiday schemes for disabled children carried on in England.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000 and, with respect to Part 2 of that Act, means that Part as applied with modifications to holiday schemes for disabled children by the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013(1) and by regulation 35;

“child protection enquiry” means an enquiry carried out by a local authority in the exercise of any of their functions conferred by or under the Children Act 1989(2) relating to the protection of children;

“disabled children” means children who are of a description of persons falling within section 3(2) of the Act;

“general medical practitioner” means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(3);

“HMCI” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;

“holiday scheme for disabled children” means a scheme which is carried on solely to provide care (other than childcare within the meaning of section 18 of the Childcare Act 2006(4)) and accommodation wholly or mainly for disabled children for a specified period—

- (i) for the purposes of a holiday; or
- (ii) for recreational, sporting, cultural or educational purposes,

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(1) [S.I. 2013/253](#).

(2) [1989 c.41](#).

(3) [1983 c.54](#). Section 34C was inserted by paragraph 10 of Schedule 1 to the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 ([S.I. 2010/234](#)).

(4) [2006 c.21](#). Section 18 of the Childcare Act 2006 was amended by paragraph 19 of Schedule 1, and by Schedule 4, to the Children and Young Persons Act 2008 ([2008 c.23](#), “the CYPA 2008”) and by article 18 of the Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010 ([S.I. 2010/813](#)).

and references to a “scheme” are to be construed accordingly;

“organisation”, other than in regulation 14, means a body corporate or any unincorporated association, other than a partnership;

“placing authority” in relation to a child accommodated by a scheme means—

- (i) in the case of a child who is looked after by a local authority, that local authority;
- (ii) in the case of a child who is not looked after by a local authority, if that child is being provided with accommodation by a voluntary organisation<sup>(5)</sup>, that voluntary organisation;
- (iii) in any other case, the child’s parent;

“registered dental practitioner” means a person registered in the dentists register under section 14 of the Dentists Act 1984<sup>(6)</sup>;

“registered manager” means a person who is registered under Part 2 of the Act as the manager of the scheme;

“registered person” means any person who is the registered provider or the registered manager of the scheme;

“registered provider” means a person who is registered under Part 2 of the Act as the person carrying on the scheme;

“responsible individual” is to be construed in accordance with regulation 5(2)(c);

“specified period” means, in any twelve month period—

- (i) a period not exceeding 56 days in total; and
- (ii) in relation to any one child, a period of no more than 28 consecutive days;

“statement of purpose” means the statement compiled in accordance with regulation 3(1).

(2) In these Regulations, references to employing a person mean the registered person employing or allowing a person to work for the purposes of the scheme, whether or not for payment, and whether under a contract of service or a contract for services, and references to an employee or to a person being employed are to be construed accordingly.

### **Statement of purpose**

**3.—(1)** The registered person must compile a written statement covering the matters listed in Schedule 1.

(2) The registered person must provide a copy of the statement of purpose to HMCI and, on request, to—

- (a) a child accommodated by the scheme;
- (b) the parent of a child accommodated by the scheme; or
- (c) an employee.

(3) References in paragraph (2) to a child accommodated by the scheme include a child in respect of whom accommodation by the scheme is being considered.

(4) The registered person must ensure that the scheme is conducted in a manner which is consistent with its statement of purpose.

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(5) Section 59 of the Children Act 1989 makes provision in respect of the accommodation of children by voluntary organisations.  
(6) 1984 c.24. Section 14 was substituted by article 6 of the Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011) and was subsequently amended by regulation 111 of the European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101).

#### **Review of the statement of purpose**

4. The registered person must—
  - (a) keep the statement of purpose under review; and
  - (b) notify HMCI of a revision to the statement within 28 days of the date on which the revision is made.