

EXPLANATORY MEMORANDUM

THE RESIDENTIAL HOLIDAY SCHEMES FOR DISABLED CHILDREN (ENGLAND) REGULATIONS 2013

2013 No. 1394

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the Instrument**
 - 2.1. These Regulations set out the regulatory framework for holiday schemes for disabled children.
3. **Matters of special interest**
 - 3.1. None
4. **Legislative context**
 - 4.1. Holiday schemes for disabled children (“schemes”) are currently subject to the same degree of regulation as children’s homes, which are regulated under the Children’s Homes Regulations 2001¹ (“the 2001 Regulations”). In order to achieve the policy objectives of enabling multiple sites to be registered as one scheme, application regulations have been made allowing Part 2 of the Care Standards Act 2000 (“the Act”) to be applied to proprietors of the schemes, so that they can be regulated through separate regulations which can apply to more than one site, rather than regulating them as previously as a type of children’s home.
 - 4.2. These substantive regulations therefore set out the requirements for the registration and conduct of schemes. They are based largely on the 2001 Regulations, but include the provision that enables schemes to operate across a number of sites under one registration.
5. **Extent**
 - 5.1. These Regulations apply only to England.
6. **European Convention on Human Rights**
 - 6.1. As these Regulations are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1. Currently, schemes which provide accommodation for less than 28 days a year are required to register as children’s homes. As a result such schemes need to meet the requirements of the 2001 Regulations and the National Minimum Standards relating to children’s homes. In

¹ S.I. 2001/3967.

addition, they are required to pay an annual fee for the cost of inspection and regulation.

7.2. The Department has considered representations from a number of schemes about the unnecessary bureaucracy and financial burden that these requirements place on what are, effectively, voluntarily run organisations. In response to these concerns, the Department carried out a month long consultation, which set out two core proposals:

- to exempt schemes from any regulatory framework; or
- to reduce significantly the current regulatory burden imposed by the 2001 Regulations, by making a number of modifications in respect of schemes. The consultation made it clear that the Department was in favour of the second option and set out a number of proposed changes in respect of the 2001 Regulations.

7.3. A one month consultation was held, as there was a strong steer from schemes of the need to introduce a policy to reduce the current regulatory burden on schemes as quickly as possible. The complexity of implementing one of the core requirements from schemes (that they can operate across a number of sites and only have to register with Ofsted once in respect of the scheme as a whole) however required further discussion with stakeholders to ensure that the proposed response was fit for purpose.

7.4. The discussions centred on the issue of schemes remaining within the 2001 Regulations, which have resulted in each scheme site run by a holiday scheme having to register separately and be inspected separately. This would be overly burdensome, cost prohibitive and would not reflect schemes' needs.

7.5. Therefore, these Regulations have been made. They largely 'mirror' the 2001 Regulations but include the easements on schemes that were the subject of the month long consultation and further in-depth discussions with key partners, so as to create a more suitable regulatory structure for them.

7.6. The Regulations set out the substantive requirements for the registration and conduct of schemes, including enabling schemes to operate across a number of sites under one registration.

8. **Consultation**

8.1. The Department consulted publicly on these proposed changes from 5 September to 5 October 2012. The response to the consultation demonstrated support for the Government's proposals for the schemes to remain within the children's homes regulations and for a number of modifications to be made. However, there was a strong steer, which these Regulations address, concerning the importance of schemes

being able to operate across multiple sites but only having to register once with Ofsted in respect of each scheme. The consultation response has been published on the Department's website and can be downloaded at the following address

<https://www.education.gov.uk/consultations/index.cfm?action=conRes ults&consultationId=1840&external=no&menu=3>

9. **Guidance**

9.1. There will be no supporting guidance for these Regulations. However, national minimum standards with respect to schemes will be published pursuant to section 23(1) of the Act in July 2013.

10. **Impact**

10.1. The impact on businesses, charities or voluntary bodies will be a decrease in the current regulatory burden for the schemes and a corresponding decrease in the inspection fees charged by Ofsted.

10.2. An Impact Assessment is attached to this Memorandum.

11. **Regulating small business**

11.1. This legislation applies to small businesses. We have attempted to make the regulatory burden as proportionate as possible.

12. **Monitoring and review**

12.1. A meeting will be held with holiday schemes providers in Summer 2014 to review the impact of the Regulations, and whether these have met the required intention of creating a less burdensome and bureaucratic framework for schemes whilst ensuring that very vulnerable children are safeguarded.

13. **Contact**

13.1. Contact Shelley Stewart-Murray at the Department for Education, Tel: 0207 783 8089 or e-mail: shelley.stewart-murray@education.gsi.gov.uk with any queries regarding the Regulations.