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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which are made under the Care Standards Act 2000 (“the Act”), amend the Residential Family Centres Regulations 2002 (S.I. 2002/3213) (“the Principal Regulations”).

Regulation 3 amends the references to a “general practitioner” in the Principal Regulations.

Regulation 4 amends regulation 3 of the Principal Regulations (excepted establishments) in order to clarify that an establishment which provides accommodation and services to families but whose principal purpose is not the assessment or monitoring of parenting capacity is not a residential family centre.

Regulation 5 amends regulation 4 of the Principal Regulations (statement of purpose and resident’s guide) in two ways. It prescribes the information which registered persons must include in the centre’s resident’s guide and it provides that the guide must also be supplied to persons who are not residents but in respect of whom accommodation in the centre is being considered.

Regulation 6 amends regulation 10 of the Principal Regulations (health and welfare of residents) to clarify that registered persons must ensure that the centre is conducted in a way which promotes and makes provision for the physical, mental and emotional health of the residents.

Regulation 7 amends regulation 13 of the Principal Regulations (placements) to ensure that the placement plan which centres draw up includes an assessment of the risks which a resident may present.

Regulation 8 inserts new regulation 13A (assessments) in the Principal Regulations. Regulation 13A requires centres to ensure that assessments or monitoring of parenting capacity are carried out by suitably qualified persons and in accordance with appropriate and generally recognised methods of assessment. Conclusions or recommendations must be made as a result of the assessment and they must be objective and accessible to the persons who will need to consider them.

Regulations 9, 12 and 14 amend, respectively, regulations 14 (facilities and services), 21 (fitness of premises) and 22 (fire precautions) of the Principal Regulations to omit unnecessary regulation and set out the registered person’s duties with regards to the premises and accommodation.

Regulations 10 and 11 amend, respectively, regulations 19 (records) and 20 (complaints) of the Principal Regulations to clarify that records maintained in the centre, including records made in relation to the centre’s complaints procedure, may be kept in electronic form.

Regulation 13 inserts new regulation 21A (use of surveillance) in the Principal Regulations. Regulation 21A provides that monitoring devices must only be used in the centre for the purpose of safeguarding the residents’ welfare or for the assessment or monitoring of parenting capacity. The use of monitoring devices must be no more intrusive than necessary and residents must be informed in advance of the intention to use them. If the devices are to be used for the purpose of assessing a resident’s parenting capacity, the resident being assessed must consent to their use and it must be provided for in the placement plan.

Regulation 15 amends regulation 23 of the Principal Regulations (review of quality of care) in order to require the centre’s system for reviewing and improving care to take into account the views of the persons working at the centre about matters relating to the conduct of the centre.

Regulation 16 amends regulation 25 of the Principal Regulations (visits by registered provider) to remove the requirement for the registered provider to inspect the centre’s daily log of events during the provider’s visit to the centre.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 17 omits regulation 31 of the Principal Regulations (offences) with the effect that it is no longer an offence to contravene or fail to comply with those Regulations. This offence provision is no longer needed as HMCI are able to serve a notice on the registered provider or manager of an establishment or agency under section 22A of the Act when they are failing to comply with the Principal Regulations.

Regulation 18 amends Schedule 1 to the Principal Regulations (information to be included in the statement of purpose) to ensure that the centre's statement of purpose includes details of the types of assessment or monitoring which will be used in the centre and a description of any electronic or mechanical means of surveillance.

Regulation 19 amends Schedule 3 to the Principal Regulations (information to be included in case records) to require information resulting from the assessment or monitoring of parenting capacity to be included in the centre's case records.

Regulation 20 amends Schedule 4 to the Principal Regulations (other records with respect to residential family centres) in order to omit the requirement to maintain a daily log of events at the centre.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Impact Assessment Library at [www.ialibrary.bis.gov.uk/search/](http://www.ialibrary.bis.gov.uk/search/).