

# Introduction to children's homes

A children's social care guide to registration

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All children's homes must register with Ofsted unless they meet the requirements for an exemption. This guide explains in more detail what the law says anyone intending to open a children's home must do in order to apply for registration.

**Age group:** All

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**Published:** October 2011

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**Reference no:** 090155



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## **Contents**

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<b>Introduction</b>	<b>4</b>
<b>What is a children's home?</b>	<b>4</b>
<b>Registration</b>	<b>6</b>
<b>Inspection</b>	<b>7</b>
<b>Complaints and concerns about providers</b>	<b>8</b>
<b>Compliance and enforcement</b>	<b>8</b>
<b>Further information</b>	<b>9</b>

## Introduction

This guide to registration provides information about what an applicant must understand and prove in order to become registered to provide and/or manage a children's home.

Children's home providers and managers must meet a range of legal requirements; this includes a requirement to register with Ofsted. We also expect providers and managers to show how they have taken account of the national minimum standards for children's homes and The Children Act 1989 Guidance and Regulations Volume 5: Children's Homes.

If you want to apply to us to open a children's home, you should first read this guide as well as our *Guide to registration for children's social care services*,<sup>1</sup> which sets out the process of registration for all children's social care providers.

This guide explains in detail what a children's home is and what the law says in order to help you decide whether you need to register as a children's home provider or manager.

## What is a children's home?

1. The Care Standards Act 2000 says that 'an establishment is a children's home...if it provides care and accommodation wholly or mainly for children'.
2. The law<sup>2</sup> also says that children are people who are aged under 18 years. A children's home must mainly care for children. This means that most or all of the people who live or stay there must be children. Young people who are aged 18 and over may live or stay there, but they must be in a minority.<sup>3</sup> You can find further guidance about this in our *Guidance on inspecting and regulating children's homes with accommodation for adults*.<sup>4</sup>
3. Children's homes are diverse. Examples include:
  - homes for children who are looked after by a local authority either as a short-term measure or more long term
  - homes for disabled children and young people, including those with physical and learning disabilities

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<sup>1</sup> *Guide to registration for children's social care services* (090020), Ofsted, 2011;

[www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services).

<sup>2</sup> The Children Act 1989, section 105 (1), HMSO 1989;

[www.legislation.gov.uk/ukpga/1989/41/contents#pt12-pb8-l1g105](http://www.legislation.gov.uk/ukpga/1989/41/contents#pt12-pb8-l1g105).

<sup>3</sup> The Children Act 1989, section 105 (1), HMSO, 1989;

[www.legislation.gov.uk/ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents).

<sup>4</sup> *Guidance on inspecting and regulating children's homes with accommodation for adults* (100116), Ofsted, 2010; [www.ofsted.gov.uk/resources/guidance-inspecting-and-regulating-childrens-homes-accommodation-for-adults-wholly-or-mainly-childre](http://www.ofsted.gov.uk/resources/guidance-inspecting-and-regulating-childrens-homes-accommodation-for-adults-wholly-or-mainly-childre).

- homes for children and young people who have emotional and/or behavioural difficulties
  - homes for children and young people who have a mental health condition
  - homes for children and young people who have a drug and/or alcohol addiction
  - secure children's homes for children who have committed an offence or need the extra protection these homes give to secure their welfare (these are registered as children's homes and are also approved by the Secretary of State for the purpose of restricting the liberty of children<sup>5</sup>)
  - homes that provide care and accommodation for children who are 16 years and over in order to prepare them for independent living – these homes must register as children's homes unless they provide only accommodation for children and not care
  - homes that provide short breaks
  - homes that are refuges – these are registered as children's homes but must also apply to the Department for Education for a certificate to operate as a refuge.<sup>6</sup> Children's homes registered as refuges are inspected under the Children's Homes Regulations 2001 and The Refuges (Children's Homes and Foster Placements) Regulations 1991
  - residential schools that provide accommodation for pupils for more than 295 days each year, including specialist and mainstream schools (a school must register as a children's home if, within any two-year period, one child or more who boards at the school, or in lodgings arranged by the school, stays for more than 295 days over any 12-month period within that two years; this also applies if the school intends to offer such an arrangement)
  - establishments that provide holidays, leisure, sporting, cultural or educational activities wholly or mainly for disabled children, even where each individual child stays there for less than 28 days in any 12-month period.
4. Independent schools and residential special schools registered as children's homes have one registration with Ofsted as a children's home and one registration with the Department for Education as a school. When a new school intends to provide accommodation for more than 295 days, inspectors try and carry out the two registration visits at the same time.
5. The law sets out some types of accommodation that are not children's homes and do not have to register with us. These include:

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<sup>5</sup> In accordance with The Children (Secure Accommodation) Regulations 1991, HMSO, 1991; [www.legislation.gov.uk/ukxi/1991/1505/contents/made](http://www.legislation.gov.uk/ukxi/1991/1505/contents/made).

<sup>6</sup> Under part V51 (1) of The Children Act 1989, HMSO, 1989; [www.legislation.gov.uk/ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents).

- a place where children live with their parents, relatives or foster carers
- bail or probation hostels
- hospitals or clinics
- schools, unless children live there for more than 295 days a year
- young offender institutions and secure training centres
- places where children live while on holiday or taking part in leisure, sporting, cultural or educational activities where each individual child stays there for less than 28 days in any 12-month period<sup>7</sup>
- places where young people of 16 or 17 live while undergoing training or apprenticeships, while on holiday or taking part in leisure, sporting, cultural or educational activities.<sup>8</sup>

## Registration

6. Any establishment that can be defined as a children's home must register with us before it can open. It is an offence to run a children's home without registration. This helps to prevent unsuitable people from owning, operating, managing or working within children's homes.
7. A person, partnership or organisation that wishes to open a children's home must demonstrate how they meet a number of legal requirements and minimum standards for children's homes. They must also take account of *The Children Act 1989 Guidance and Regulations Volume 5: Children's Homes* issued by the Department of Education. At the end of this guide we tell you where you can find and obtain copies of these documents.
8. In summary, a children's home must have:
  - a registered provider and, where the provider is a partnership or an organisation such as a company or local authority, a person known as a 'responsible individual' who represents the partnership or organisation to Ofsted
  - a registered manager
  - a statement of purpose that sets out the overall aims of the children's home and the objectives for children who live there – the law sets out the information that the statement must contain in regulations; you can find these in schedule 1 of The Children's Homes Regulations 2001<sup>9</sup>
  - a children's guide, which is a summary of the statement of purpose, the complaints procedure and contains the address and telephone number of

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<sup>7</sup> This exemption does not apply where the establishment or premises provides care or accommodation for children who are wholly or mainly of a description set out in section 3(2) of the Care Standards Act 2000. This includes children who are ill, disabled or infirm.

<sup>8</sup> Please see footnote 7 above.

<sup>9</sup> The Children's Homes Regulations 2001: [www.legislation.gov.uk/ukxi/2001/3967/schedule/1/made](http://www.legislation.gov.uk/ukxi/2001/3967/schedule/1/made).

Ofsted in a form that is appropriate to the age, understanding and communication needs of the children

- a number of policies and procedures – these are set out The Children’s Homes Regulations 2001 and 2010 amendments.<sup>10</sup>
9. Each children’s home must hold a separate registration. Occasionally a children’s home may have a ‘satellite’ home. This is normally where buildings occupy the same site or are next to one another. If your children’s home has more than one building you should contact us on 0300 123 1231 to see if it requires more than one registration. You can find further guidance about this in our *Guidance on the registration of multi-site children’s homes*.<sup>11</sup>
  10. We also register some mobile services as children’s homes. Our *Guidance for mobile services* clarifies what a mobile service is and what criteria it must meet in order to register as a children’s home.<sup>12</sup>
  11. There is also more information on registration in our *Guide to registration for children’s social care services*.

## Inspection

12. We inspect every children’s home once within the first seven months of it being registered. Every financial year we carry out a minimum of one full inspection and one interim inspection of every children’s home. This frequency of inspections is set in regulation.<sup>13</sup>
13. At inspection, inspectors will evaluate the outcomes for children. For more information please see our *Framework for the inspection of children’s homes*, our *Evaluation schedule for the inspection of children’s homes* and *Conducting Children’s Homes Inspections*.<sup>14</sup> The evaluation schedule and the judgements made on inspection are underpinned by the regulations and the national minimum standards and are intended to test compliance and support improvement.

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<sup>10</sup> *Children’s homes: national minimum standards*, Department for Education, 2011; [www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00030-2011](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00030-2011).

<sup>11</sup> *Guidance on the registration of multi-site children’s homes* (080239), Ofsted, 2008; [www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes](http://www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes).

<sup>12</sup> *Guidance for mobile services* (100252), Ofsted, 2011; [www.ofsted.gov.uk/resources/guidance-for-mobile-services](http://www.ofsted.gov.uk/resources/guidance-for-mobile-services)

<sup>13</sup> The Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc.) Regulations 2007.

<sup>14</sup> *Evaluation schedule for the inspection of children’s homes* (100193), Ofsted, 2011; [www.ofsted.gov.uk/resources/evaluation-schedule-for-inspection-of-childrens-homes](http://www.ofsted.gov.uk/resources/evaluation-schedule-for-inspection-of-childrens-homes), *Framework for the inspection of children’s homes* (100195), Ofsted, 2011; [www.ofsted.gov.uk/resources/framework-for-inspection-of-childrens-homes](http://www.ofsted.gov.uk/resources/framework-for-inspection-of-childrens-homes), *Conducting inspections of children’s homes* (100194), Ofsted, 2011; [www.ofsted.gov.uk/resources/conducting-inspections-of-childrens-homes](http://www.ofsted.gov.uk/resources/conducting-inspections-of-childrens-homes).

## Complaints and concerns about providers

14. We may receive complaints or concerns about a children's home. When considering complaints, we do not act as a complaint adjudicator. We do not decide if complaints are upheld, partially upheld or are unsubstantiated. Instead we investigate concerns to make sure that the provider continues to meet regulations and to take account of the associated national minimum standards, and remains suitable for registration. Where providers and/or managers do not, we may take enforcement action as described in the 'Compliance and enforcement' section below.
15. For more information about how we deal with complaints about providers, please see the leaflet *Concerns and complaints about social care providers*.<sup>15</sup>

## Compliance and enforcement

16. Children's home providers and managers must comply with the requirements of the regulations and take account of the national minimum standards for children's homes and statutory guidance for children's homes.
17. We investigate all instances that suggest a children's home does not meet its legal obligations. Where we find non-compliance we take action to ensure children's safety and compliance with the law. The action we take is based on what we call an 'escalating tariff'. Put simply this means that we begin with the minimum possible measures to bring about compliance. In most cases we achieve this by simply telling providers and/or managers in writing what they need to do to put things right: these requirements are called 'statutory requirements'. Where providers and or managers cannot or will not improve, we have a range of powers including restricting admissions to a home, issuing a compliance notice, cancelling a provider's registration or prosecuting an offence.<sup>16</sup>
18. Our *Compliance, investigation and enforcement handbook* provides more information about this and is available on our website. There is a link to this under the 'Further information' section of this guide.

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<sup>15</sup> Concerns and complaints about social care providers (070090), Ofsted, 2011;

[www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers](http://www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers).

<sup>16</sup> A compliance notice sets out the actions that a provider must take by a certain date to meet relevant service-specific regulations.

## Further information

Our guidance is available on our website [www.ofsted.gov.uk](http://www.ofsted.gov.uk) or by calling us on 0300 123 1231, or by writing to us at the following address:

National Business Unit  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

For more information on how to **apply for registration**, see our *Guide to registration for children's social care services* at [www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services](http://www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services).

For more information on **inspection**, see the *Framework for the inspection of children's homes* at [www.ofsted.gov.uk/resources/framework-for-inspection-of-childrens-homes](http://www.ofsted.gov.uk/resources/framework-for-inspection-of-childrens-homes), the *Evaluation schedule for the inspection of children's homes* at [www.ofsted.gov.uk/resources/evaluation-schedule-for-inspection-of-childrens-homes](http://www.ofsted.gov.uk/resources/evaluation-schedule-for-inspection-of-childrens-homes) and *Conducting inspections of children's homes* at [www.ofsted.gov.uk/resources/conducting-inspections-of-childrens-homes](http://www.ofsted.gov.uk/resources/conducting-inspections-of-childrens-homes).

To **complain** about a social care provider, please see *Concerns and complaints about social care providers* at [www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers](http://www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers).

To see how we **investigate** information and bring about **compliance** please see our *Compliance, investigation and enforcement handbook* at [www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook](http://www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook).

For information about children's homes that accommodate adults, please see *Guidance on inspecting and regulating children's homes with accommodation for adults* at [www.ofsted.gov.uk/resources/guidance-inspecting-and-regulating-childrens-homes-accommodation-for-adults-wholly-or-mainly-childre](http://www.ofsted.gov.uk/resources/guidance-inspecting-and-regulating-childrens-homes-accommodation-for-adults-wholly-or-mainly-childre).

For information about children's homes that operate from more than one site, please see *Guidance on the registration of multi-site children's homes* at [www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes](http://www.ofsted.gov.uk/resources/guidance-registration-of-multi-site-childrens-homes).

For information about mobile services please see *Guidance for mobile services* at [www.ofsted.gov.uk/resources/guidance-for-mobile-services](http://www.ofsted.gov.uk/resources/guidance-for-mobile-services).

## Legislation

Please note: it is an applicant's responsibility to check that this is the most up-to-date legislation available and if any further amendments apply.

- The Care Standards Act 2000: legal definitions of all agencies and establishments that we register;  
[www.legislation.gov.uk/ukpga/2000/14/contents](http://www.legislation.gov.uk/ukpga/2000/14/contents).
- The Care Standards Act 2000 (Registration)(England) Regulations 2010;  
[www.legislation.gov.uk/uksi/2007/694/contents/made](http://www.legislation.gov.uk/uksi/2007/694/contents/made).
- The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007; [www.legislation.gov.uk/uksi/2007/694/contents/made](http://www.legislation.gov.uk/uksi/2007/694/contents/made).
- The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002;  
[www.legislation.gov.uk/uksi/2002/865/contents/made](http://www.legislation.gov.uk/uksi/2002/865/contents/made).
- The (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002;  
[www.legislation.gov.uk/uksi/2002/865/contents/made](http://www.legislation.gov.uk/uksi/2002/865/contents/made).
- The Children's Homes Regulations 2001;  
[www.legislation.gov.uk/uksi/2001/3967/contents/made](http://www.legislation.gov.uk/uksi/2001/3967/contents/made).
- The Children's Homes (Amendment) Regulations 2011;  
[www.legislation.gov.uk/uksi/2011/583/made](http://www.legislation.gov.uk/uksi/2011/583/made).
- The Children (Secure Accommodation) Regulations 1991;  
[www.legislation.gov.uk/uksi/1991/1505/contents/made](http://www.legislation.gov.uk/uksi/1991/1505/contents/made).
- The Refuges (Children's Homes and Foster Placements) Regulations 1991;  
[www.legislation.gov.uk/uksi/1991/1507/contents/made](http://www.legislation.gov.uk/uksi/1991/1507/contents/made).

## National minimum standards

The national minimum standards:

[www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00030-2011](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00030-2011).

## Statutory guidance

The *Children Act 1989 Guidance and Regulations Volume 5: Children's Homes* is available on the Department for Education website at

[www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00024-2011](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00024-2011).