

Introduction to residential holiday schemes for disabled children

A children's social care guide to registration

All residential holiday schemes for disabled children must register with Ofsted. This guide explains in more detail what the law says anyone intending to open a holiday scheme for disabled children must do to in order to apply for registration.

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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 residential holiday scheme for disabled children (referred to as residential holiday schemes within this guide).

Residential holiday scheme 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 holiday schemes for disabled children.¹

If you want to apply to us to carry on or manage a holiday scheme, you should first read this guide and our *Guide to registration for children's social care services*,² which sets out the process of registration for all children's social care providers.

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

What is a residential holiday scheme for disabled children?

1. A residential holiday scheme for disabled³ children provides care and accommodation wholly or mainly for disabled children for a specified period for the purposes of a holiday, or for recreational, sporting, cultural or educational purposes.⁴
2. A provider may operate at any time throughout the year. There is no minimum number of days they can operate. However, a provider cannot operate for more than 56 days in any 12-month period. No individual child can be accommodated for more than 28 consecutive days in any 12-month period.⁵
3. Any service that meets the definition of a residential holiday scheme for disabled children must register with Ofsted **before** it can operate. It is a criminal offence to carry on or manage a residential holiday scheme for disabled children without registration. This helps to prevent unsuitable people from owning, operating, managing or working within holiday schemes for disabled

¹ *Residential holiday schemes for disabled children*, Department for Education, August 2013; www.gov.uk/government/publications/residential-holiday-schemes-for-disabled-children.

² *Guide to registration for children's social care services* (090020), Ofsted, 2013; www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services.

³ For a definition of 'disabled' see Interpretation, 2(1); www.legislation.gov.uk/ukxi/2013/1394/made

⁴ The Residential Holiday Schemes for Disabled Children (England) Regulations 2013; www.legislation.gov.uk/ukxi/2013/1394/made.

⁵ The Residential Holiday Schemes for Disabled Children (England) Regulations 2013; www.legislation.gov.uk/ukxi/2013/1394/made.

children, thereby protecting children and young people who use these schemes. Please note that Ofsted gives an estimated timescale of 16 weeks for us to complete a registration decision. Therefore, applicants must ensure that their application to register is submitted at least 16 weeks before they wish to operate. We would also point out that if the application is incomplete or if issues arise that need clarification, this timescale may be extended. We therefore advise applicants to take this into account when deciding when to apply to register. A person, partnership or organisation that wishes to continue a residential holiday scheme, or an individual who wishes to become a registered manager of a residential holiday scheme, must demonstrate how they meet a number of legal requirements and the national minimum standards for holiday schemes for disabled children. At the end of this guide we tell you where you can find and obtain copies of these documents.

4. In summary, a residential holiday scheme must have:
 - a registered provider and, where the provider is 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 residential holiday scheme – the law sets out the information that the statement must contain in regulations; you can find these in schedule 1 of The Residential Holiday Schemes for Disabled Children (England) Regulations 2013⁶
 - a number of policies and procedures – these are set out in The Residential Holiday Schemes for Disabled Children (England) Regulations 2013.
5. There is more information on registration in our *Guide to registration for children's social care services*.

Inspection

6. Currently, Ofsted is developing a new inspection framework for residential holiday schemes which we will consult on in due course. Information about the current inspection framework follows.
7. The frequency of inspections is set out in regulations.⁷ Ofsted has a duty to inspect residential holiday schemes at least once a year. All inspections under the current interim framework for inspection will be unannounced although Ofsted is mindful of the operating times of any holiday scheme.

⁶ The Residential Holiday Schemes for Disabled Children (England) Regulations 2013; <http://www.legislation.gov.uk/uksi/2013/1394/made>.

⁷ Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes, etc.) (Amendment) Regulations, as amended; <http://www.legislation.gov.uk/uksi/2013/523/contents/made>.

8. The timing of any inspection is influenced by an assessment of:
 - the outcomes of previous inspections
 - any current complaints or enforcement action
 - notifications received from a holiday scheme
 - other relevant information received by Ofsted such as Regulation 29 reports
 - the period within which the holiday scheme is operational.

9. Inspectors evaluate the outcomes for children who attend the schemes. For more information, please see:
 - *Inspection of residential holiday schemes for disabled children: interim framework for inspection of residential holiday schemes for disabled children*⁸
 - *Inspections of residential holiday schemes for disabled children: interim evaluation schedule and grade descriptors*⁹
 - *Conducting inspections of residential holiday schemes for disabled children*¹⁰

10. The inspection is conducted against the evaluation schedule and will result in a set of graded judgements. The inspector is normally on site for up to two days.

Complaints and concerns about providers

11. We may receive complaints or concerns about a holiday schemes for disabled children. Our role is to take into account any concerns about a residential holiday scheme and use that information to focus on areas of the inspection to ascertain whether the provider and/or manager continue to meet regulations, to take account of the associated national minimum standards and relevant statutory guidance, and remain suitable for registration. We do not act as a complaint adjudicator. For example, we do not decide whether complaints are upheld, partially upheld or are unsubstantiated. Where providers and/or managers do not comply with regulations, we may take enforcement action as described in the 'Compliance and enforcement' section below.

12. For more information about how we deal with complaints about providers, please see the leaflet *Concerns and complaints about social care providers*.¹¹

⁸ *Inspection of residential holiday schemes for disabled children: interim framework for inspection of residential holiday schemes for disabled children* (130199), Ofsted, 2013; www.ofsted.gov.uk/resources/130199.

⁹ *Inspections of residential holiday schemes for disabled children: interim evaluation schedule and grade descriptors* (130198), Ofsted, 2013; www.ofsted.gov.uk/resources/130198.

¹⁰ *Conducting inspections of residential holiday schemes for disabled children: interim guidance for the inspections of residential holiday schemes for disabled children* (130197), Ofsted, 2013; www.ofsted.gov.uk/resources/130197.

Compliance and enforcement

13. Providers and managers of residential holiday schemes must comply with the requirements of the regulations and take account of the national minimum standards for residential holiday schemes for disabled children in addition to any other relevant statutory guidance.
14. Ofsted considers all reports that suggest a holiday scheme(s) for disabled children may not be meeting its legal obligations. Where we find non-compliance, we take action to ensure children's safety and compliance with the law. Except in the rarest of occasions, we inform 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 comply, we may need to take further action, including restricting admissions to a home, issuing a compliance notice, cancelling of registration or prosecuting an for an offence.¹²
15. Our *Social care compliance handbook* provides more information about this and is available on our website. There is a link to this document under the 'Further information' section of this guide.

Frequently asked questions

Q1. When does a school need to register as a residential holiday scheme for disabled children?

A school must register as a residential holiday scheme where it:

- operates a service which meets the requirements of a residential holiday scheme but no child attends the school for 295 days or more¹³ (therefore it does not need to register as a children's home)
- operates a service that meets the requirements of a residential holiday scheme for some children and is also registered as a children's home (it will require dual registration).

Where the school lets its premises to another provider for use as a holiday scheme but does not make any of the arrangements for the children to attend the scheme, then the provider operating the scheme must register.

¹¹ *Concerns and complaints about social care providers* (070090), Ofsted, 2011;

www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers.

¹² Before Ofsted can prosecute for some offences, a compliance notice sets out the actions that a provider must take by a certain date to meet relevant service-specific regulations must be served.

¹³ A school must register as a children's home when it cares for or intends to care for one child for 295 days or more (Care Standards Act 2000 Section 1(6)).

Q2. Does an organisation providing services for both disabled and non-disabled children and young people need to register?

In most circumstances, if the number of children and young people who are disabled is more than those who are not disabled, then it is very likely that registration would be required. If applicants/providers are unsure about registration requirements they should obtain legal advice about the specific service they intend to provide.

Further information

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

Applications, Regulatory and Contact Team
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*,
www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services

For more information about what **changes to a registration** we need to be informed about, see *Changes to children's social care services that are inspected and /or registered by Ofsted*,
www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted

For more information on **inspection**, see:
Inspection of residential holiday schemes for disabled children: interim framework for inspection of residential holiday schemes for disabled children;
www.ofsted.gov.uk/resources/130199

Inspections of residential holiday schemes for disabled children: interim evaluation schedule and grade descriptors;
www.ofsted.gov.uk/resources/130198

Conducting inspections of residential holiday schemes for disabled children;
www.ofsted.gov.uk/resources/130197

To **complain** about a social care provider, please see *Concerns and complaints about social care providers*;
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 *Social care compliance handbook*;
www.ofsted.gov.uk/resources/social-care-compliance-handbook

Legislation

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

- Care Standards Act 2000: legal definitions of all agencies and establishments that we register;
www.legislation.gov.uk/ukpga/2000/14/contents
- Care Standards Act 2000 (extension of the application of part 2 to holiday schemes for disabled children) (England) Regulations 2013
www.legislation.gov.uk/uksi/2013/253/contents/made
- Care Standards Act 2000 (Registration)(England) Regulations 2010;
www.legislation.gov.uk/uksi/2013/446/contents/made
- 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
- Residential Holiday Schemes for Disabled Children (England) Regulations 2013; www.legislation.gov.uk/uksi/2013/1394/made.

National minimum standards

Residential holiday schemes for disabled children: national minimum standards:
www.gov.uk/government/publications/residential-holiday-schemes-for-disabled-children.