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WELSH STATUTORY INSTRUMENTS

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**2017 No. 51 (W. 22)**

**SOCIAL CARE, WALES**

**The Children's Homes (Wales) (Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>24 January 2017</i>
<i>Laid before Parliament</i>		<i>26 January 2017</i>
<i>Coming into force</i>	- -	<i>1 April 2017</i>

The Welsh Ministers, in exercise of the powers conferred by sections 22(1), 22(2)(f), 22(7)(d) and 118(5) to (7) of the Care Standards Act 2000<sup>(1)</sup> and having consulted such persons as they consider appropriate<sup>(2)</sup> make the following Regulations:

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Children's Homes (Wales) (Amendment) Regulations 2017 and they come into force on 1 April 2017.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations—

“the 2002 Regulations” (“*Rheoliadau 2002*”) means the Children's Homes (Wales) Regulations 2002<sup>(3)</sup>.

**Amendment of the 2002 Regulations**

2. The 2002 Regulations are amended in accordance with the provisions of regulations 3 to 5.

3. In regulation 2(1) (interpretation) insert the following in the appropriate place—

““secure children's home” (“*cartref plant diogel*”) means a children's home, within the meaning of the Act—

(a) which provides accommodation for the purposes of restricting liberty; and

(b) in respect of which a person is registered under Part 2 of that Act;”.

4. In regulation 29 (notifiable events), after paragraph (4), insert—

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(1) 2000 c.14. These powers are exercisable by the “appropriate Minister”. This term is defined in section 121 of the Care Standards Act 2000 in relation to Wales as the National Assembly for Wales. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) See section 22(9) of the Care Standards Act 2000 for the requirement to consult.

(3) S.I. 2002/327 (W. 40).

“(5) This regulation does not apply to a notification in relation to the death of a child accommodated in a secure children’s home.”

5. After regulation 29, insert—

**“Notification with respect to the death of a child accommodated in a secure children’s home**

**29A.**—(1) If any child accommodated in a secure children’s home dies, the registered person must without delay notify—

- (a) the appropriate office of the registration authority;
- (b) the placing authority;
- (c) the local authority in whose area the secure children’s home is located;
- (d) the health authority in whose area the secure children’s home is located;
- (e) the Prisons and Probation Ombudsman for England and Wales (“the PPO”); and
- (f) the child’s parent or person who has parental responsibility for the child.

(2) The registered person must allow the PPO to investigate the death by—

- (a) granting the PPO access to—
  - (i) the premises of the home; and
  - (ii) the home’s documents and records;
- (b) allowing the PPO to take away from the premises copies of any documents or records accessed under sub-paragraph (a)(ii) provided that the PPO has secure arrangements for doing so; and
- (c) if they consent, allowing the PPO to interview in private any children, parents (or persons with parental responsibility) or relatives, or persons working at the home.

(3) A notification under this regulation—

- (a) must include details of—
  - (i) the circumstances of the death;
  - (ii) the other persons, bodies or organisations (if any) who or which the registered person has notified or proposes to notify; and
  - (iii) any actions the registered person has taken or proposes to take as a result of the death;
- (b) must be made or confirmed in writing.

(4) In this regulation, references to PPO include a person appointed by, or working on behalf of, the PPO for the purposes of an investigation under paragraph (2).”

*Rebecca Evans*  
Minister for Social Services and Public Health,  
under authority of the Cabinet Secretary for  
Health, Wellbeing and Sport, one of the Welsh  
Ministers

24 January 2017

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## EXPLANATORY NOTE

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

These Regulations amend the Children's Homes (Wales) Regulations 2002.

The amendments make provision for the giving of notifications in the event of a death of a child accommodated in a secure children's home. In particular, the registered person is required to notify the Prisons and Probation Ombudsman for England and Wales ("the PPO") if any child accommodated in a secure children's home dies.

The amendments also require the registered person of a secure children's home to allow the PPO to investigate the death by:

- a) granting the PPO access to the premises of the home and the home's documents and records;
- b) allowing the PPO to take away copies of any of the home's documents and records from the premises provided that the PPO has secure arrangements for doing so; and
- c) allowing the PPO (with consent) to interview in private any children, parents or relatives, or persons working in the home.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.