STATUTORY INSTRUMENTS

2011 No. 552

CHILDREN AND YOUNG PERSONS, ENGLAND

The Care Standards Act 2000 (Enforcement of Care Standards) (Notification) (England) Regulations 2011

Made - - - -	*26th February 2011*
Laid before Parliament	*4th March 2011*
Coming into force - -	*1st April 2011*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 30A(3) and (4) and 118(5) to (7) of the Care Standards Act 2000(**a**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Enforcement of Care Standards) (Notification) (England) Regulations 2011 and come into force on 1st April 2011.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

"the Act" means the Care Standards Act 2000;

"P" means a person who is carrying on or managing an establishment or an agency mentioned in section 30A(6) of the Act(**b**).

Information to be contained in a notification under section 30A(2) of the Act

3.—(1) A notification under section 30A(2) of the Act must contain the information as set out in paragraphs (2) to (4).

(2) In relation to all notifications under section 30A(2) of the Act—

(a) a description of and the name and address of the establishment or agency(**c**);

(b) the registration number of the establishment or agency;

(c) the name and address (if different from that of the establishment or agency) of the person carrying on or managing the establishment or agency;

(d) the date on which the notification is sent to the local authority; and

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(**a**) 2000 c.14. Section 30A was inserted into the Care Standards Act ("the Act") by section 29 of the Children and Young Persons Act 2008 (c.23) ("the 2008 Act") and was amended by section 95 of, Schedule 1 and Schedule 5 to the Health and Social Care Act 2008 (c.14). "Prescribed" means prescribed in regulations made in relation to England by the Secretary of State – see section 30A(7) of the Act.

(**b**) See section 30A(6) of the Act for a list of the establishments and agencies to which section 30A applies.

(**c**) See section 30A(6) of the Act for a list of the establishments and agencies to which section 30A applies.

(e) whether the notification is sent under section 30A(2)(a), (b) or (c) of the Act.

(3) In relation to a notification under section 30A(2)(b) of the Act (notification of proceedings against P for a relevant offence(**a**))—

(a) the date on which the summons was issued;

(b) a description of the alleged relevant offence; and

(c) the date on which the proceedings are to be heard, if known.

(4) In relation to a notification under section 30A(2)(c) of the Act (notice under section 22B of the Act restricting accommodation at certain establishments(**b**)) the date on which the notice is to cease to have effect if specified in the notice.

Notification of prescribed circumstances under section 30A(3) of the Act

4.—(1) The circumstances which relate to P prescribed for the purpose of section 30A(3) of the Act are as set out in paragraphs (2) to (4).

(2) In relation to a notice served on P under section 19(3) of the Act (notice of decision of registration authority) to cancel the registration—

(a) an appeal by P to the Tribunal(**c**) against that notice;

(b) the decision of the Tribunal on an appeal by P against that notice; and

(c) where no appeal is brought by P(**d**).

(3) Where the registration authority has brought proceedings against P for a relevant offence—

(a) the withdrawal, by the registration authority, of the proceedings against P;

(b) the decision of the court in the proceedings;

(c) an appeal by P against that decision; and

(d) the outcome of the appeal.

(4) In relation to a notice served on P under section 22B of the Act—

(a) if that notice ceases to have effect(**e**);

(b) an appeal by P to the Tribunal against that notice; and

(c) a decision by the Tribunal under section 21(4A)(**f**) of the Act to confirm the notice.

Tim Loughton
Parliamentary Under Secretary of State
Department for Education

26th February 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 ("the Act") and apply in relation to England only. Her Majesty's Chief Inspector of Education, Children's Services and Skills

(**a**) See section 30A(7) of the Act for the definition of "relevant offence".
(**b**) Section 22B was inserted into the Act by section 27 of the 2008 Act.
(**c**) See section 121 of the Act for the definition of "the Tribunal". An appeal to the Tribunal may be made under section 21 of the Act.
(**d**) Section 19(5) of the Act provides that, where no appeal is brought by P, a decision of the registration authority to adopt a proposal to cancel the registration shall not take effect until the expiration of 28 days after service on P of the notice of the decision to cancel the registration. Her Majesty's Chief Inspector of Education, Children's Services and Skills is the registration authority in relation to England under section 5 of the Act.
(**e**) See section 22B(4) of the Act for the circumstances in which a notice ceases to have effect.
(**f**) Section 21(4A) was inserted into the Act by section 28(4) of the 2008 Act.

("HMCI") is the registration authority in relation to England for the purposes of Part 2 of the Act which provides for the registration of certain establishments and agencies such as children's homes.

Section 30A(2) of the Act provides that the registration authority must notify all local authorities in England and Wales as soon as practicable if it takes any of the actions specified in section 30A(2)(a) to (c) against a person ("P") who is carrying on or managing an establishment or agency of a type specified in section 30A(6) (children's homes, residential family centres, fostering agencies, voluntary adoption agencies, adoption support agencies and providers of social work services). The information to be included in such notifications is as set out in regulation 3(2) to (4). Section 30A(3) provides for local authorities to be notified when HMCI becomes aware of any prescribed circumstances which relate to P and these circumstances are prescribed in regulation 4. Section 30A(5) provides that a notification may be sent electronically in certain circumstances.

An impact assessment has not been prepared for this instrument as impacts on business, charities, voluntary bodies and the public sector will be minimal.

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