

2013 No. 253

SOCIAL CARE, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Care Standards Act 2000 (Extension of the Application of
Part 2 to Holiday Schemes for Disabled Children) (England)
Regulations 2013**

<i>Made</i> - - - -	<i>7th February 2013</i>
<i>Laid before Parliament</i>	<i>11th February 2013</i>
<i>Coming into force</i> - -	<i>4th March 2013</i>

The Secretary of State, in exercise of the powers conferred by section 42(1) of the Care Standards Act 2000(a), makes the following Regulations.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Extension of the Application of Part 2 to Holiday Schemes for Disabled Children) (England) Regulations 2013 and come into force on 4th March 2013.

(2) These Regulations apply in relation to holiday schemes for disabled children in England only.

(3) In these Regulations—

“the Act” means the Care Standards Act 2000;

“disabled children” means children who are of a description falling within section 3(2) of the Act;

“holiday scheme for disabled children” means a scheme which is carried on solely to provide care (other than childcare within the meaning of section 18 of the Childcare Act 2006(b)) and accommodation wholly or mainly for disabled children for a specified period:

- (i) for the purposes of a holiday; or
- (ii) for recreational, sporting, cultural or educational purposes; and

“specified period” means, in any twelve month period—

- (i) a period not exceeding 56 days in total; and

(a) 2000 c.14. The powers are conferred upon the “appropriate Minister” who is defined in section 121(1), in relation to England, as the Secretary of State. See section 121(1) also for the definitions of “prescribed” and “regulations”. Section 42(1) was amended by paragraph 28 (2) of Schedule 5 to the Health and Social Care Act 2008 (c.14) (“the 2008 Act”).

(b) 2006 c.21. Section 18(5)(a)(i) was substituted by paragraph 19(2) of Schedule 1 to the Children and Young Persons Act 2008 (c.23). Section 18(8)(a) was amended by paragraph 19(3)(a) of Schedule 1 and Schedule 4 to the Children and Young Persons Act 2008. Section 18(8)(b) was amended by paragraph 19(3)(b) of Schedule 1 to that Act. Section 18(8)(ba) was added by article 18 of the Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010 (S.I. 2010/813).

- (ii) in relation to any one child, a period of no more than 28 consecutive days.

Application of Part 2 of the Act to persons carrying on or managing a holiday scheme for disabled children

2.—(1) A person who carries on or manages a holiday scheme for disabled children is prescribed for the purposes of section 42(1) of the Act.

(2) The following provisions of Part 2 of the Act shall apply to persons prescribed by paragraph (1) with the modifications specified in the Schedule—

- (a) section 11(4)(a);
- (b) section 12(2)(b);
- (c) section 14(1)(d);
- (d) section 15(3) and (5)(c);
- (e) section 16(1) and (3)(d);
- (f) section 22(e);
- (g) section 23(1) to (3);
- (h) section 25(1);
- (i) section 30A(1), (3) and (4);
- (j) section 31(7)(f);
- (k) section 33;
- (l) section 34;
- (m) section 35; and
- (n) section 36(3) and (4).

7th February 2013

Edward Timpson
Parliamentary Under Secretary of State
Department for Education

SCHEDULE

Regulation 2

Modifications to Part 2 of the Act

Modification of section 14 of the Act

1. In section 14(1) (cancellation of registration), in the opening words of the subsection, after the word “agency” insert “or holiday scheme for disabled children”.

-
- (a) Section 11(4) was amended by paragraph 20 of Schedule 9 to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) (“the 2003 Act”), by paragraph 10(c) of Schedule 15 to the 2008 Act and by paragraph 42 of Schedule 14 to the Education and Inspections Act 2006 (c.40).
 - (b) Section 12(2) was amended by section 105(3) of the 2003 Act.
 - (c) Section 15(3) was amended by paragraph 14(b)(ii) of Schedule 5 to the 2008 Act and section 15(5) was amended by paragraph 14(d) of the same Schedule.
 - (d) Section 16(3) was amended by section 105(6) of the 2003 Act and by paragraph 15 of Schedule 5 to the 2008 Act.
 - (e) Section 22(7) was amended by section 105(7) of the 2003 Act and paragraph 21 of Schedule 5 to the 2008 Act.
 - (f) Section 31(7) was amended by paragraph 27 of Schedule 5 to the 2008 Act.

Modification of section 16 of the Act

2. In section 16(1) (regulations about registration), after the word “agencies” insert “or holiday schemes for disabled children”.

Modification of section 22 of the Act

3. In section 22 (regulation of establishments and agencies)—

- (a) in subsection (1), after the word “agencies” insert “and holiday schemes for disabled children”;
- (b) in subsection (2)—
 - (i) in paragraphs (a), (b) and (c), after the word “agency” in each place where it occurs insert “or holiday scheme for disabled children”;
 - (ii) in paragraph (d)—
 - (aa) after the word “establishment” in the first place where it occurs insert “or by a holiday scheme for disabled children”; and
 - (bb) after the words “domiciliary care agency” insert “, or a holiday scheme for disabled children”; and
 - (iii) in paragraphs (f), (g), (i) and (j), after the word “agency” in each place where it occurs insert “or a holiday scheme for disabled children”;
- (c) in subsections (3) and (4), after the word “agency” in each place where it occurs insert “or a holiday scheme for disabled children”;
- (d) in subsection (5)(c), after the word “establishment” insert “or a holiday scheme for disabled children”;
- (e) in subsection (7)—
 - (i) in the opening words of the subsection, after the word “agencies” insert “and holiday schemes for disabled children”;
 - (ii) in paragraphs (a) and (d), after the word “agencies” in each place where it occurs insert “and holiday schemes for disabled children”;
 - (iii) in paragraphs (e), (f), (g) and (h), after the word “agency” in each place where it occurs, insert “or holiday scheme for disabled children”; and
 - (iv) in paragraph (j)—
 - (aa) after the words “an establishment or agency” insert “or holiday scheme for disabled children”; and
 - (bb) after the words “or by the agency” insert “or holiday scheme for disabled children”.

Modification of section 23 of the Act

4. In section 23(1) (national minimum standards), after the word “agencies” insert “or holiday schemes for disabled children”.

Modification of section 30A of the Act

5. In section 30A(1) (notification of matters relating to persons carrying on or managing certain establishments or agencies), after the words “subsection (6)” insert “or a holiday scheme for disabled children”.

Modification of section 31 of the Act

6. In section 31(7) (inspections by persons authorised by registration authority), after the word “agency” insert “or a holiday scheme for disabled children”.

Modification of section 33 of the Act

7. In section 33(1) (annual returns), after the word “agency” insert “or holiday scheme for disabled children”.

Modification of section 34 of the Act

8. In section 34 (liquidators etc.)—

- (a) in subsection (1) paragraph (b), after the word “agency” insert “or holiday scheme for disabled children”; and
- (b) in subsection (3) after the word “agency” on both occasions where it occurs, insert “or holiday scheme for disabled children”.

Modification of section 35 of the Act

9. In section 35(1)(a), (1)(b) and (2)(a) (death of registered person), after the word “agency” in each place where it occurs insert “or holiday scheme for disabled children”.

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 holiday schemes for disabled children in England only. Part 2 of the Act provides for the registration and inspection of establishments and agencies by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills. Section 42 of the Act makes provision, through regulations, for the application of the Act (with such modifications as may be specified) in respect of the registration of other services which are not covered on the face of the Act. These include services that are, or are similar to, services which local authorities provide in the exercise of their social services functions (defined in section 121 of the Act). These Regulations prescribe a person who carries on or manages a holiday scheme for disabled children (as defined in regulation 1(3)) for the purposes of section 42, and provide that the regulation making powers in Part 2 of the Act (regulation 2(2)) shall apply to such persons with the modifications set out in the Schedule to the Regulations.

An impact assessment has not been produced for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

© Crown copyright 2013

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.00

E5737 02/2013 135737T 19585

ISBN 978-0-11-153434-2



9 780111 534342