Child Care Agencies

Minimum Standards

Registration & Inspection Unit

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Department of Health and Social Care

Rhyenn Slaynt as Kiarail y Theay
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Introduction
This document sets out the minimum standards for child care agency services. They form the criteria by which the Department will determine whether the agency provides care and support to the required standard. These standards establish the minimum required. They identify a standard of service provision below which an agency providing a child care service for children in their own home must not fall.

While broad in scope, these standards acknowledge the unique and individual needs of families and child care services and the additional specific knowledge and skills required in order to deliver a service that is tailored to the needs of each child. These standards will be applied to agencies providing a service to children whilst in their own home and to other child care services.

The Regulatory Context
These standards are published by the Department of Health and Social Care and are part of the regulation of care under the Regulation of Care Act 2013. They form the basis of decisions made by the Registration and Inspection Unit.

The Department will therefore consider the degree to which a regulated service complies with the standards when determining whether or not a service should be registered or have its registration cancelled, or whether to take any action for breach of regulations.

Who will be regulated
Regulation applies to all agencies and is defined within the Regulation of Care Act 2013 as follows:

(1) A “child care agency” is a business that:

   (a) consists of, or includes, the service of supplying or introducing child-carers to others; and
   (b) is not a nurse agency or domiciliary care agency.

(2) However, a business is not a child care agency if the business is prescribed not to be a child care agency.

(3) In this section, ‘child-carers’ means people who look after children, wholly or mainly where they dwell or who take them to or from their dwellings, even if the looking after or taking is:

   (a) not for reward; or
   (b) only on an occasional basis.

Where a national voluntary organisation has a number of affiliated branches, each of which is separately registered, each will be treated as a separate agency for the purposes of registration and regulation.

Where the business is a franchise operation, each individual franchise will be treated as a separate business.
Definitions

**Individual Child Records**: Written information that is agreed by all parties, regularly updated and sets out the required care needed in order to meet the individual needs of each child. This will include additional or complex needs.

**Physical Intervention**: Used by staff to manage, restrain or stop children from harming themselves or others.

**Registered Manager**: Is the person in day to day charge of the agency. The manager may be the same person as the responsible person if that provider is an individual and in limited circumstances may also be the same person as the responsible person of a corporate body. If not the same person, the manager will be recruited by the registered provider but will be registered by the Department and must meet the registration criteria set out in the Regulation of Care Act 2013, the Registration of Care (Registration) Regulations 2013 and these Standards. A manager must have the appropriate qualifications and experience.

**Responsible person**: A person deemed suitable to provide a care service. They may be the registered provider or the registered manager. Each registered person has responsibility for ensuring that the requirements of the Act, Regulations and Standards are met. A company, committee or other group may be the registered person and they will be required to nominate a responsible person to speak on their behalf. The responsible person also has to be vetted by the Department and has specific obligations within the Regulation of Care Act 2013 and Regulation of Care (Care Services) Regulations 2013.

**Service User**: Any person with parental responsibility for a child.

**Service Recipient**: A child who is receiving a service.

**Disclosure and Barring Service (DBS) (previously CRB Criminal Records Bureau)**: A scheme that replaces the Island’s police checks and provides for people working in the Health and Social Care sector to be checked against the barred lists held in the UK as well as their criminal convictions and cautions history.

**COSHH**: Control of Substances Hazardous to Health.

**RIDDOR**: Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.

**Safeguarding Children**: Sometimes called child protection makes provision for and lays obligations and responsibilities on the registered persons and the staff at the agency to keep children safe and follow agreed procedures where abuse is suspected or alleged (links included with Standard 4).
Notifications: Where the provider must notify Registration and Inspection Unit using the appropriate form as directed within the Regulation of Care (Care Services) Regulations 2013.

Regulation 10 - Requirement to notify the DHSC of death, illness and other events.

1. The registered person in relation to a care service must notify DHSC no later than 24 hours from the occurrence of:

   (a) the death of any service recipient at the care service and the circumstances of the death
   (b) the outbreak of any notifiable disease (within the meaning of Part II of the Public Health Act 1990) at the care service
   (c) the serious injury or illness of any service recipient at the care service
   (d) the suffering of serious harm of any service recipient at the care service
   (e) any event at the care service affecting the well-being of any service recipient
   (f) any unexplained absence of a service recipient from a care service
   (g) any serious incident necessitating calling the police to the care service
   (h) the making of any allegation that a service recipient has committed an offence
   (i) any theft, burglary, fire or accident at the care service; and
   (j) any conduct of a member of staff at a care service that may be such that they may not be a suitable person to be involved in the care of service recipients.

2. If a service recipient is a child, the registered person in relation to a care service must, no later than 24 hours from the time of the occurrence of any of the events specified in paragraph (1)(a) to (j), also notify:

   (a) the child’s parents or person with parental responsibility for the child; and
   (b) any person or organisation that has accepted responsibility wholly or partly for the cost of that child’s care at the care service.
Standard 1 – Individual Child Records

OUTCOME
The registered person must ensure the care needs and wishes for each service user and their child are recorded in the individual child records.

Supporting criteria

1.1 A care assessment regarding new service users must be undertaken, prior to the provision of a child care service.

The assessment must include:
- personal care and physical well-being
- family involvement and other personal and social contacts
- social interests

1.2 Information from the care assessment must be provided in writing to agency workers so that they are aware of any specific needs, the activities they are required to undertake and the outcomes to be achieved.

1.3 When a service is provided at short notice or in a crisis, and a care assessment has not been undertaken, the person providing the service must be competent and able to undertake an initial contact assessment if required.

1.4 Procedures must be in place to enable agency staff to report changes to the needs and circumstances of service users and their children so that a reassessment can be undertaken if necessary.

1.5 There must be a record for each individual child being cared for. The records must contain:
- their full name and address
- their date of birth
- their photograph
- contacts in the case of an emergency
- GP contact
- authorisation for outings/activities and travel in vehicles and other appropriate permissions and parental consents
- details of who will collect the child, including photographs where appropriate.
- known medical conditions (including allergies)
- dietary requirements and preferences
- any social, emotional and/or behavioural needs
- first language/any additional languages spoken
- any other cultural needs
- permission to seek emergency medical advice and treatment.

1.6 The plan and child records must be reviewed annually or when a change occurs. The review must be dated and agreed with the service user.
Standard 2 - Health

OUTCOME
The registered person must ensure all agency workers promote the good health of the children in their care and take positive steps to prevent the spread of infection.

Supporting criteria

Hygiene

2.1 The registered person must ensure that all agency staff are informed and aware of the importance of good hygiene practice in order to prevent the spread of infection and are informed of and kept up to date with hygiene procedures.

2.2 Staff must be supplied with protective clothing such as disposable gloves.

2.3 Agency staff must encourage the children in their care to learn about personal hygiene through daily routines.

Medicine

2.4 If medicine is to be given the registered person must ensure the following:

- only medicines stored in their original containers are used and must be inaccessible to the children
- the service user gives prior written permission to administer any medication
- written records are kept of all medicines administered to children, and service users sign the record to acknowledge the entry
- medicines are not usually administered unless prescribed by a doctor; in circumstances where over the counter medications are administered the reasons and instructions to agency workers on dosage and frequency must be fully recorded
- if the administration of prescription medicines requires technical/medical knowledge then individual training is provided for staff from a qualified health professional. Training must be specific to the individual child concerned
- staff administering medication to children with specific conditions (e.g. Asthma, Epilepsy) must have a sound understanding of the condition
- the first dose of any medication to be administered by the service user in case of allergic reaction. Service users must sign to confirm the medication is safe for their child
- not contrary to the agency’s policy.

2.5 Agency workers must follow the agency’s medication policy for reporting concerns responding to incidents and seeking guidance in regards to administering medication.
First Aid

2.6 Agency staff must have access to a first aid box, the contents of which must be checked frequently for the re-stock of used items/sterile items. This must be kept in an accessible place but out of the reach of children.

2.7 All staff must hold and maintain a current first aid certificate. The first aid qualification must include training in first aid for infants and children.

Smoking

2.8 Agency staff must not smoke during the hours they are caring for children.

Standard 3 – Safety

OUTCOME
The health, safety and welfare of children and agency staff must be promoted and protected.

Supporting criteria

3.1 The business must operate from permanent premises and there must be a management structure in place, including clear lines of accountability, which enables the agency to deliver services effectively on a day to day basis, in accordance with the agency’s business plan. The premises must provide a safe working environment for staff and there must be provision of private space for confidential meetings.

3.2 The registered person must ensure that the agency has systems and procedures in place to comply with the requirements of all relevant Health and Safety legislation and staff are trained to have an understanding of health and safety requirements for the environment in which they work.

3.3 The registered person must ensure that a risk assessment is undertaken to identify any potential risks to children and staff associated with delivering the package of care before the agency worker commences work. This must be regularly reviewed and the review recorded.

3.4 A procedure must be in place for reporting new risks which arise including defective appliances, equipment, fixtures or security of the premises.

3.5 All organisational records relating to health and safety matters must be accurate and kept up to date.

Security of the home

3.6 Agency workers must ensure the security and safety of the service user and their home at all times.
3.7 The agency must have clear protocols in place in relation to entering and leaving the home of the service user.

3.8 The agency must provide identity cards for all agency staff.

The cards must display:

- a photograph of the member of staff
- the name of the staff member and employing organisation
- the contact number of the organisation
- date of issue and an expiry date which should not exceed 36 months from date of issue.

Standard 4 - Safeguarding

OUTCOME
The protection of the child must be the registered person’s first priority

Supporting criteria

4.1 The registered person must have an awareness of the Isle of Man Safeguarding Children Board procedures. They must ensure that all agency staff have read these, understand them, have knowledge about them and have easy access to them provided at the following link http://www.isleofmanscb.im/. There is also the following children and family safeguarding glossary of key definitions. https://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-unit/good-practice-guidance/

4.2 The registered person must ensure that all staff are aware of possible signs and symptoms of children at risk and are aware of their responsibility to report, without delay, concerns to police or DHSC Children and Families Division in accordance with the Safeguarding Children Board procedures and to keep concerns confidential. Protocols are in place regarding confidentiality which will include reference to ongoing safeguarding investigations.

4.3 Refresher training must be provided, as a minimum, every 3 years. The on-line option can be taken up once the full safeguarding course (at the appropriate level) has been attended (prior to employment commencing).

4.4 All allegations and incidents of abuse must be referred immediately and the details and action taken recorded in a special record/file kept for the purpose as well as on the personal file of the service user.

4.5 There must be a designated member of staff responsible for liaising with the DHSC Children and Families Division and the Registration and Inspection Unit in any safeguarding situation. In the absence of this member of staff, there must be a named staff member to resume the role.

4.6 Physical or verbal aggression by a service user or their relatives must be responded to appropriately. A record of any incidents must be kept.
4.7 All records relating to safeguarding concerns and actions must be stored in line with the agency’s record and retention policy.

### Standard 5 - Staffing

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<td>The agency must have robust recruitment and selection procedures in place to ensure all persons employed are suitable to work with children</td>
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### Supporting criteria

#### Qualifications

5.1 All staff in the organisation must be competent and trained to undertake the activities for which they are employed and responsible.

5.2 The agency must have a registered manager who has a relevant professional qualification; as a minimum this must be a Cache Level 3 Diploma qualification in early years (or equivalent) and must have at least 2 years post qualification experience of working in an early years setting.

5.3 The registered manager must have, or will have evidence of training/qualification in leadership/management in addition to their child care qualification.

**Managers new to registration will be given a time frame that is appropriate to the date of their registration. From 1st April 2020, there is an expectation that managers seeking registration will have gained or are in the process of gaining appropriate leadership/management training.**

In exceptional circumstances, which are beyond the control of the applicant, an appropriate extension to these time frames may be agreed.

5.4 There must be a named person who is able to take charge in the absence of the manager and these persons must hold a relevant Level 3 Diploma qualification in early years and must have at least one year’s post qualification experience of working in an early years setting.

5.5 The responsible person must have relevant business management training and/or substantial experience. They must operate the service on a secure financial footing and must have available for inspection, when requested, financial information that supports the continued financial viability of the service.

5.6 All child care agency staff must hold, as a minimum, a level 2 qualification appropriate for the care or development of children in an early years setting.

#### Recruitment and selection

5.7 The registered person must carry out enquiries to establish the qualifications (including transcript in order to verify the age range the individual is qualified to work with), experience and overall suitability of the staff they employ. Robust recruitment
and selection processes and procedures must be in place which meets the requirements of employment legislation. This must include:

- DHSC Children and Families Division suitability check.
- Social Services ‘out of area check’ (if the prospective employee has been off island for anytime in the last 5 years, including study, the local Social Services department needs to be contacted to ensure suitability).
- Medical opinion.
- Two references (one from last employer).
- Enhanced DBS (or evidence that on-line service checked if portability is in place), workforce appropriate.
- Work permit (if appropriate).
- Certificates of training and qualifications.
- Driver’s licence (if appropriate).
- CV (gaps in employment must be checked).

5.8 The registered person must not commence the employment of staff or volunteers who have not received the outcome of their DBS check unless prior approval is given by the Registration & Inspection Unit and in all circumstances where permission is given such persons are never left alone with children or allowed to work unsupervised.

5.9 The registered person must see the DBS certificate provided to the employee and make a record in the person’s file of when it was seen, whether or not there were convictions and, where convictions are disclosed, what affect they have on that person’s employment at the service.

5.10 The registered person must ensure agency staff are aware of the option to sign up for the update service offered by DBS at the time of a member of staff’s initial application. This service requires re-application by staff at the time of name or address changes. For further details contact the Department of Home Affairs. If this option is not taken up then the individual must have a renewed check at an interval of not more than 3 years.

5.11 New staff, including temporary workers and volunteers, must be provided with a written contract specifying the terms and conditions under which they are engaged, including the need to comply with the agency’s staff handbook for staff.

5.12 All managers and staff must be provided with a written job description, person and work specification, identifying their responsibilities and accountabilities and with copies of the organisation’s staff handbook and grievance and disciplinary procedure.

5.13 The person specification must include the personal qualities required to undertake the work and the appropriate attitudes to be adopted.

5.14 All staff must have induction training which includes health and safety and child safeguarding/protection policies and procedures in their first week of employment.

5.15 The induction must include a minimum 3 days orientation programme shadowing an experienced agency worker prior to taking responsibility for providing care and working alone in a home.
5.16 The total period of induction will be a minimum of 4 weeks, will be recorded and be part of the employee’s on-going training programme.

Requirements of the job

5.17 Activities which should not be undertaken by care and support staff must be identified.

5.18 Staff must be required to notify their employer of any new criminal offence they may have committed, including motoring offences.

5.19 An immediate investigation must be undertaken on any allegations or incidents of misconduct and appropriate disciplinary action taken as necessary.

5.20 A record must be kept of all disciplinary incidents and details entered in the personal file of the member of staff concerned.

5.21 Employers must refer someone to the Disclosure and Barring Service if they:
- dismissed them because they harmed a child or adult
- dismissed them or removed them from working in a regulated activity because they might have harmed a child or adult otherwise
- were planning to dismiss them for either of these reasons, but the person resigned first.

N.B It is against the law for employers to employ someone or allow them to volunteer for working with children or adults if it is known they are on one of the barred lists.

5.22 The registered provider must be able to demonstrate there is adequate staff cover for the operation of the agency.

5.23 The skills and experience of agency staff must be matched to the individual needs of each child.

5.24 A responsible and competent person must be on call and contactable at all times when agency staff are on duty.

Development and training

5.25 The registered person must ensure that there is a staff development and training programme within the agency, which ensures staff are able to fulfil the aims of the agency and meets the changing needs of children. Training must include as mandatory safeguarding, first aid and food hygiene if handling food.

5.26 Each new member of staff must undertake a training needs analysis on completion of induction or probationary period. This must be incorporated into the staff training and development plan.
5.27  Specialist advice, training and information must be provided for workers working with children with specific needs and/or medical conditions by someone who is professionally qualified to do so.

5.28  Within the whole staff group there must be the range of skills and experience required to work with and meet the needs of individual children cared for by the agency.

5.29  Records of training and development undertaken and the outcome, must be kept on a central development file and on individual personnel files.

5.30  The need for refresher and updating training must be identified at least annually during staff appraisal and incorporated into the staff development and training programme.

**Supervision**

5.31  All staff must receive annual appraisals of their overall standard of performance and identification of training and development needs and a written record kept.

5.32  All staff must receive one to one supervisions with their line manager at least quarterly and written records must be kept.

5.33  With the consent of the family, at least one meeting within a 12 month period must incorporate direct observation by the line manager of the agency worker providing care to a child with whom they regularly work.

5.34  Regular team meetings must be held at least quarterly and a written record kept.

5.35  Managers must undertake training in supervision skills and undertaking performance appraisal.

**Practice**

5.36  Staff must arrive at the home within the time band specified, work for the full amount of time allocated and meet the requirements set in the child’s individual record.

5.37  Agency workers must only be changed for legitimate reasons.

5.38  Service users must be consulted in advance whenever possible, and involved in the decision about the change of agency worker, if the change is permanent or likely to last longer than 30 days.

5.39  Service users must be kept fully informed on the day’s activities with their child.

**Transport**

5.40  All agency staff that transport children must have the appropriate insurance and equipment for example booster seats if employees use their own car, they must sign a declaration to confirm they will maintain their car in a road worthy condition.
5.41 The agency must check driving licences for agency staff that use vehicles as part of the service and record details on an annual basis.

**Standard 6 - Documentation**

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<td>Robust records, policies and procedures which are required for the efficient and safe management of the agency must be in place and maintained.</td>
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**Supporting criteria**

6.1 The registered person must develop and keep under review a statement of purpose & operational plan which is available to service users. The statement of purpose must meet the requirements of the Regulation of Care (Registration) Regulations 2013, Schedule 3. The aim of the operational plan is to allow the registered person maximum flexibility in organising the provision according to available resources and be made available to the parents. Review dates must be recorded.

6.2 The registered person must devise and keep under dated reviews, a Service User’s Guide. The document must meet the requirements of the Regulation of Care (Care Service) Regulation 2013 Regulation 7 and copies given to parents.

6.3 Suitable provision must be made for the safe, secure and confidential storage of all records and information and the shielding of computer screens from general view when displaying personal data.

6.4 The agency must maintain all the records required for the protection of children and the efficient running of the business for the requisite length of time including:

- financial records detailing all transactions of the business
- personnel files on each member of staff – which includes evidence of all pre-employment checks, training, qualifications and evidence of supervision
- record of notifications to Registration and Inspection in line with Regulations 10, 11 and 12 of the Regulation of Care Act (Care Services) Regulations 2013
- any accidents and/or incidents (signed by service users)
- any medication being administered.
- any behavioural issues/concerns.
- any child safeguarding concern and any subsequent multi-agency meetings.
- any concerns or complaints raised; including the action taken.
- any disciplinary and grievance procedures.
- records kept in the home.

6.5 All records must be secure, up to date and in good order and are constructed, maintained and used in accordance with the Data Protection Act 2018, and other statutory requirements, and are kept for the requisite length of time.
6.6 Each service user must be issued with a written contract provided by the agency prior to the commencement of the service. The contract must clearly set out the agreed terms and conditions and signed by both parties.

6.7 The service user and the agency must each have a copy of the contract which is signed by the service user and the registered manager.

6.8 There must be a formal system in place to enable the registered person to measure the quality of the service being provided. This must include:

- the number and type of complaints received and any learning from these
- comments and compliments about the service
- accident and incident reports
- observations of those who use the service
- views of staff and volunteers working at the service.

6.9 The Agency must produce an annual report which lists the success of the service and a written development/improvement plan based on the outcomes of the quality assessment exercise. This plan must be available to all.

6.10 The agency must set up and implement a clear set of policies and procedures required for the operation of the service. These must include a Safeguarding policy and statement including:

- the agency’s commitment to the safeguarding of children
- the agency’s commitment to encouraging ‘whistle blowing’ without the fear of alienation and guidance re the sharing of information
- staff responsibilities with regard to the reporting of suspected child abuse or neglect, including informing the parents where appropriate
- the contact numbers for the local police and Children and Family Division
- the procedures to be followed in the event of an allegation being made against a member of staff or volunteer
- the procedure to be followed in the event of an allegation being made against a registered person

Other policies to be put in place by the Agency:

- whistle Blowing
- confidentiality
- use of social media and portable electronic equipment including mobile phones
- taking photographs of children and their usage
- records management – including retention, access and destruction
- behaviour management
- missing child
- complaints
- equal opportunities
- additional needs
- health and Safety
- communicable diseases and infection control
• fire safety
• outings
• administration of medication
• health related activities
• manual handling
• meals
• no smoking
• personal safety whilst at work (including procedures for managing threats or violence to staff and travelling to and from service users’ homes)
• induction and training
• recruitment
• moving and handling
• entering and leaving a service users home
• safe keeping of keys
• acceptance of gifts
• handling money on behalf of service users
• discipline and grievance
• data protection
• parent failing to return at the agreed time

• Intimate and personal care including:
  • maintain privacy and dignity
  • dressing and undressing
  • bathing, washing and oral hygiene
  • toileting and nappy changing

6.11 The policies and procedures must be reviewed annually or more frequently if necessary and the review date recorded. The policies must be made available to staff members and parents.

6.12 The registered person must have public liability insurance for the provision. The insurance must cover any circumstance of a child/children suffering harm whilst being looked after at the service, and will include allegations being made against a member of staff.

6.13 There must be appropriate employer insurance in place.

6.14 Records kept in the home.

6.15 Agency workers must record the time and date of every visit to the home. When caring for more than one family in the home, the attendance of the visiting children must be recorded.

6.16 The activities carried out each day and any significant occurrence must be shared with the parents in the method agreed.

6.17 Service users must be informed about what is written on the record and have access to it.
6.18 All written records must be legible, factual, signed and dated and kept in a safe place in the home, as agreed with the service user.

6.19 Where applicable and agreed with service users, records must be kept in the home for one month, or until the service is concluded, after which time they must be transferred, to the agency for safe keeping.

6.20 If a service user refuses to have records kept in their home, the manager must have a written, dated statement confirming the refusal and this must be kept on their personal file in the agency.

6.21 In circumstances where the agency deems it inappropriate for records to be kept in a child's home, this must be clearly recorded. Under these circumstances there must be suitable arrangements in place to enable staff to complete the record immediately after the visit and for it to be available to the next worker attending.