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STATUTORY INSTRUMENTS

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**1991 No. 1506**

**Children's Homes Regulations 1991**

**PART II —**

**Conduct of Children's Homes**

**Statement of purpose and function of children's homes**

4.—(1) The responsible authority shall within three months of the coming into force of these Regulations compile, and thereafter maintain, and keep up to date, a written statement of the particulars mentioned in Part I of Schedule 1 relating to each children's home for which it is the responsible authority.

(2) The statement referred to in paragraph (1) shall be made available for inspection by the persons referred to in Part II of Schedule 1 (in addition to those who have a right under the Act to inspect this statement).

**Staffing of children's homes**

5.—(1) The responsible authority shall ensure that the number of staff of each children's home and their experience and qualifications are adequate to ensure that the welfare of the children accommodated there is safeguarded and promoted at all times.

(2) The responsible authority shall ensure that the particulars specified in Part I of Schedule 1 are brought to the notice of all staff in each children's home.

**Accommodation for individual children**

6.—(1) The responsible authority shall ensure that, so far as is reasonably practicable, each child in a children's home shall be provided with an area within the home which is suitable for his needs, and is equipped in accordance with the following paragraphs of this regulation.

(2) The area referred to in paragraph (1) shall be equipped with furniture, bedding and furnishings appropriate to the needs of the child.

(3) Where the child concerned is disabled the area referred to in paragraph (1) shall be equipped with what is reasonably necessary in order to meet the child's needs arising from his disability so as to enable him to live as normal a life as possible.

**Accommodation—general provisions**

7.—(1) The responsible authority shall ensure that there is provided within the home for the use of children accommodated there—

(a) a sufficient number of wash basins, baths and showers supplied with hot and cold running water; and

(b) a sufficient number of lavatories,  
for the number of children accommodated.

(2) The responsible authority shall ensure that all parts of the home used by children accommodated are—

- (a) adequately lit, heated and ventilated;
- (b) kept in good structural repair, clean and reasonably decorated and maintained for the purpose of accommodating children.

(3) The responsible authority shall ensure that there are provided within the children's home suitable facilities for any child accommodated there to meet privately—

- (a) his parent;
- (b) any person who is not a parent but who has parental responsibility for him;
- (c) his relatives or friends;
- (d) his solicitor;
- (e) his guardian ad litem;
- (f) any independent person appointed in respect of any requirement of the procedure specified in the Representations Procedure (Children) Regulations 1991(1);
- (g) any visitor appointed for the child in accordance with paragraph 17 of Schedule 2 to the Act;
- (h) any person authorised in accordance with section 80(2) by the Secretary of State to conduct an inspection of the children's home and the children there;
- (i) in the case of a registered children's home any person authorised by the registration authority;
- (j) in the case of an assisted community home, any person authorised by the local authority named in the instrument of management.

(4) The responsible authority shall ensure that there are provided in the children's home adequate facilities for laundering linen and clothing used by children accommodated there, and, for children wishing to do so, to wash, dry and iron their own clothes.

(5) The responsible authority shall ensure that a pay telephone is available for children accommodated in the home in a setting where it is possible to make and receive telephone calls in private.

### **Control and discipline**

**8.—**(1) Except as otherwise directed by the Secretary of State in accordance with section 53(2) of the Children and Young Persons Act 1933(2) or section 22(7) of the Act, only such disciplinary measures as are for the time being approved by the responsible authority shall be used in a children's home.

(2) Subject to paragraph (3), the following measures shall not be used in a children's home—

- (a) any form of corporal punishment;
- (b) any deprivation of food or drink;
- (c) any restriction on visits to or by any child or any restriction on or delay in communications by telephone or post with—
  - (i) his parent,
  - (ii) any person who is not a parent of his but who has parental responsibility for him,

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(1) S.I.1991/894.

(2) 1933 c. 12. Section 53(2) was amended by Schedule 10, Part I of the Criminal Justice Act 1948 (c. 58), and by section 2(1) of the Criminal Justice Act 1961 (c. 39).

- (iii) his relatives or friends,
  - (iv) any visitor appointed for the child in accordance with paragraph 17 of Schedule 2 to the Act,
  - (v) any social worker for the time being assigned to the child by the local authority who are looking after him or voluntary organisation who are caring for him,
  - (vi) any guardian ad litem of the child,
  - (vii) any solicitor for the time being acting for the child or whom the child wishes to instruct;
- (d) any requirement that a child wear distinctive or inappropriate clothes;
  - (e) the use or withholding of medication or medical or dental treatment;
  - (f) the intentional deprivation of sleep;
  - (g) the imposition of fines (except by way of reparation);
  - (h) any intimate physical examination of the child.
- (3) Nothing in this regulation shall prohibit—
- (a) the taking of any action by, or in accordance with the instructions of, a registered medical or dental practitioner which is necessary to protect the health of a child;
  - (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property;
  - (c) the imposition of a requirement that a child wear distinctive clothing, for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities;
  - (d) the imposition by the responsible authority or the person in charge of the home having obtained a court order where necessary of any prohibition, restriction or condition upon contact between the child and any person if they or the person in charge of the home are satisfied that the prohibition, restriction or condition is necessary in order to protect or promote the welfare of the child.
- (4) Full particulars of the use made of any disciplinary measures including—
- (a) the date on which they were used;
  - (b) the reason why they were used; and
  - (c) the person by whom they were used;

shall be recorded by a duly authorised person on behalf of the responsible authority in permanent form in the home within 24 hours of their use and shall be signed by him.

### **Storage of medicinal products**

9.—(1) Subject to paragraph (3), the responsible authority shall ensure that any medicinal product which is kept in a children's home shall be stored in a secure place so as to prevent any child accommodated there having access to it otherwise than under the supervision of a member of the staff of the home.

(2) Subject to paragraph (3), the person in charge of a children's home shall ensure that no medicinal product shall be administered to a child otherwise than by a member of the staff of the children's home, a registered nurse or registered medical practitioner.

(3) Paragraphs (1) and (2) do not apply to a medicinal product which—

- (a) is stored by the child for whom it is provided in such a way that others are prevented from using it; and

- (b) may safely be self-administered by that child.

### **Employment and education of older children**

**10.** Where any child in a children's home has attained the age where he is no longer required to receive compulsory full-time education, the responsible authority shall assist with the making of, and give effect to, the arrangements made for him in respect of his education, training and employment.

### **Religious observance**

**11.** The responsible authority shall ensure that each child accommodated in each children's home is enabled, so far as practicable, to attend the services of, to receive instruction in, and to observe any requirement (whether as to dress, diet or otherwise) of, the religious persuasion to which he belongs.

### **Food provided for children and cooking facilities**

**12.—(1)** The responsible authority shall ensure that children accommodated in each children's home are provided with food, in adequate quantities for their needs, which is properly prepared, wholesome and nutritious.

(2) So far as is practicable the responsible authority shall ensure that at each main meal there is a choice for each course.

(3) The responsible authority shall ensure that any special dietary need of a child accommodated in the home, which is due to his health, religious persuasion, racial origin or cultural background, is met.

(4) The responsible authority shall provide within a home—

- (a) suitable and sufficient catering equipment, crockery and cutlery to provide for the needs of children accommodated in the home;
- (b) proper facilities for the refrigeration and storage of food; and
- (c) so far as is practicable, adequate facilities for children to prepare their own food if they so wish.

### **Purchase of clothes**

**13.—(1)** So far as is practicable the responsible authority shall enable each child accommodated in the home to purchase clothes according to his needs.

(2) Where a child accommodated in the home does not wish to, or is not able to, purchase his own clothes, the responsible authority shall purchase clothes for him to meet his needs.

### **Fire precautions**

**14.—(1)** The responsible authority shall ensure, before any child is accommodated in a children's home and at all times when children are accommodated, that the fire authority within whose area the home is or will be situated are notified in writing of the following particulars—

- (a) the location of the home;
- (b) the number of children accommodated or to be accommodated there;
- (c) the minimum and maximum age of children accommodated or to be accommodated there;
- (d) whether children suffering from any impairment of movement or intellect are accommodated or are to be accommodated there, and if so the nature of the impairment.

(2) The responsible authority shall ensure that in respect of the home—

- (a) adequate precautions are taken against the risk of fire,
  - (b) adequate means of escape in the event of fire are provided,
  - (c) adequate arrangements are made for detecting, containing and extinguishing fire,
  - (d) adequate arrangements are made for warning of an outbreak of fire and for evacuation in the event of fire, and
  - (e) adequate fire fighting equipment is provided.
- (3) The responsible authority shall ensure that arrangements are made so that—
- (a) the staff, and
  - (b) so far as is practicable, the children accommodated in the home,
- are aware of the procedure to be followed in the event of fire at the home.
- (4) The arrangements referred to in paragraph (3) shall include practices of the evacuation procedure for the home and the techniques of resuscitation and the saving of life.
- (5) The responsible authority shall make arrangements to ensure that any outbreak of fire requiring an evacuation of children accommodated in the home from it or any part of it is notified to them immediately.