
STATUTORY INSTRUMENTS

1991 No. 1506

Children's Homes Regulations 1991

PART III —

Administration of Children's Homes

Confidential records with respect to children in children's homes

15.—(1) The responsible authority shall arrange that there shall be kept in each children's home a record in permanent form with respect to each child who is accommodated there, which shall so far as practicable include the information specified in Schedule 2.

(2) The record mentioned in paragraph (1) shall be kept securely and treated as confidential subject only to—

- (a) any provision under or by virtue of a statute under which access may be obtained or given to records and information concerning a child;
- (b) any court order, in respect of access to records and information concerning a child.

(3) The records mentioned in paragraph (1) shall be retained for at least seventy-five years from the date of birth of the child to whom they relate or, if the child dies before attaining the age of 18, for a period of 15 years from the date of his death.

Access by guardians ad litem to records and register

16.—(1) Each voluntary organisation, where they are not acting as an authorised person⁽¹⁾, and every person carrying on a registered children's home shall provide a guardian ad litem of a child—

- (a) such access as may be required to—
 - (i) records in so far as they relate to the child maintained in accordance with these Regulations; and
 - (ii) the information from such records held in whatever form (such as by means of computer).
- (b) such copies of the records as he may require.

Other records with respect to children in children's homes

17.—(1) The responsible authority shall keep in each children's home the records specified in Schedule 3 and shall ensure that the details are kept up to date.

(2) The records referred to in paragraph (1) shall be retained for at least fifteen years, except for records of menus which need be kept only for one year.

(1) Section 42 of the Act as amended by paragraph 18 of Schedule 16 to the Court and Legal Services Act 1990 (c. 41) provides for guardians ad litem to have right of access to local authority and authorised persons' records. "Authorised person" is defined in section 31 of the Children Act 1989.

Regulations and guidance

18. A copy of these Regulations and of any relevant guidance issued by the Secretary of State under Section 7 of the Local Authority Social Services Act 1970(2) shall be kept in the home and made available when required to—

- (a) all staff;
- (b) every child accommodated in the home;
- (c) the parents or guardians of any child accommodated in the home;
- (d) any person who is not a parent of a child accommodated in the home but has parental responsibility for him.

Notification of significant events

19.—(1) In respect of the events at any children’s home mentioned in paragraph (2), the responsible authority shall forthwith notify—

- (a) insofar as it is reasonably practicable—
 - (i) the parents of any child concerned,
 - (ii) any person who is not a parent of any child concerned but who has parental responsibility for such a child, and
 - (iii) any other person who has undertaken to meet any fees or expenses incurred in accommodating any child concerned at the home;
 - (b) except in the case of the event mentioned in paragraph (2)(b), the District Health Authority within whose district the children’s home is situated;
 - (c) where the responsible authority is not a local authority—
 - (i) the local authority within whose area the home is situated, and
 - (ii) the registration authority;
 - (d) in respect of the events mentioned in paragraph (2)(a), (b) and (c), the Secretary of State, except, in relation to paragraph (2)(a) where the child is being looked after by a local authority(3);
 - (e) in respect of the event mentioned in paragraph (2)(c), a constable.
- (2) The events referred to in paragraph (1) are—
- (a) the death of a child accommodated at the home;
 - (b) any conduct on the part of a member of staff of the home which is or may be such, in the opinion of the responsible authority, that he is not, or as the case may be would not be, a suitable person to be employed in work involving children;
 - (c) the suffering of serious harm by a child accommodated at the home;
 - (d) any serious accident involving a child accommodated at the home;
 - (e) any serious illness of a child accommodated at the home; and
 - (f) he outbreak in the home of any notifiable infectious disease to which the Public Health (Control of Disease) Act 1984(4) applies or disease to which provisions of that Act are applied by Regulation made under that Act(5) .

(2) 1970 c. 42. The guidance referred to in regulation 18 is published by Her Majesty’s Stationery Office and is available from any of their sale outlets, or direct from them by post from HMSO Publications Centre, PO Box 276, London SW8 5DT.

(3) Equivalent provision is made in these circumstances by paragraph 20(1) of Schedule 2 to the Act.

(4) 1984 c. 22.

(5) The relevant regulations are the Public Health (Infectious Disease) Regulations 1988 (S.I.1988/1546).

(3) Any notification given with respect to the death of a child shall give such detail as to the circumstances as is known to the responsible authority.

Absence of a child without authority

20.—(1) The responsible authority shall draw up and cause to be recorded in writing the procedure to be followed when any child accommodated in a children’s home is absent without permission.

(2) The responsible authority shall ensure that the procedure mentioned in paragraph (1) is drawn to the attention of the children accommodated in the home and the staff of, and others working in, the home.

Absence of person in charge of voluntary or registered children’s home

21.—(1) Subject to paragraphs (2) and (4), where the person in charge of a voluntary home or registered children’s home proposes to be absent from the home for a continuous period of four weeks or more, he shall give written notice to that effect to the registration authority at least four weeks before the absence is due to begin.

(2) Subject to paragraph (4), where it is necessary for the person in charge to be absent from the home for a continuous period of four weeks or more in circumstances where it would be impracticable to give the period of notice mentioned in paragraph (1) the registration authority may accept such shorter notice as appears reasonable.

(3) Subject to paragraph (4), where paragraph (1) applies, the person for the time being in charge of a voluntary or registered children’s home shall inform the registration authority at least seven days before the beginning of the absence of—

- (a) its occurrence and anticipated duration;
- (b) the reason for it;
- (c) the number of children accommodated when the information is given;
- (d) the arrangements which have been made for the running of the home;
- (e) the name, address and qualifications of the person who will for the time being be in charge.

(4) Nothing in this regulation shall require notification to be given to the registration authority if in a case falling within paragraph (1) or (2) no child is to be accommodated during the period of the absence.

(5) If, in any case referred to in paragraph (4) of this regulation, a child is provided with accommodation in the home during the period of absence, the person for the time being in charge shall, within seven days of the child first being provided with accommodation, inform the registration authority of the matters mentioned in paragraph (3).

(6) Within seven days of the return of the person in charge, or the appointment of some other person in his place, the responsible authority shall notify the registration authority of that fact.

(7) If, in the case of a registered children’s home the person in charge is also the responsible authority, anything required to be done by or to the responsible authority shall be done by or to (as the case may require) the person for the time being in charge of the home.

Accountability and visiting on behalf of responsible authority

22.—(1) If the person carrying on a voluntary home or registered children’s home, is an individual but is not also the person in charge of the home, he shall visit the home once a month, or cause some other person to do so on his behalf and to report to him in writing on the conduct of the home.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Where the person carrying on a voluntary home or registered children's home is a body of persons (whether incorporated or not), the directors, or other persons responsible for the conduct of the body, shall cause one of their number to visit the home once a month and to report to them in writing on the conduct of the home.

(3) The managers of a controlled or assisted community home shall cause one of their number to visit the home once a month and to report to them in writing on the conduct of the home.

(4) The local authority who maintain a maintained community home shall cause the home to be visited once a month and to report to them in writing upon the conduct of the home.