
STATUTORY INSTRUMENTS

1991 No. 1506

CHILDREN AND YOUNG PERSONS

Children's Homes Regulations 1991

Made - - - - - *30th June 1991*
Laid before Parliament *8th July 1991*
Coming into force - - - *14th October 1991*

The Secretary of State for Health, in exercise of the powers conferred by sections 62(3), 63(3)(b), 64(4), and 104(4) of, and paragraph 4 of Schedule 4, paragraphs 1, 6 and 7 of Schedule 5, paragraphs 1(2), (4), (5) and (6) and 10 of Schedule 6 to the Children Act 1989(1) and of all other powers enabling him in that behalf hereby makes the following Regulations:

PART I —

Introductory

Citation and commencement

1. These Regulations may be cited as the Children's Homes Regulations 1991 and shall come into force on 14th October 1991.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

“the Act” means the Children Act 1989;

“children's home” means a registered children's home, a community home or a voluntary home;

“maintained community home” means a community home provided, managed, equipped and maintained by a local pursuant to section 53(3)(a) of the Act (Provision of community homes by local authorities);

“medicinal product” means anything in respect of which a product licence under the Medicines Act 1968(2) is required;

(1) 1989 c. 41, (for the definition of “prescribed” see section 105(1) and, in relation to Schedule 6, paragraph 1(3) of that Schedule).
(2) 1968 c. 67.

“person in charge” means in relation to a home the person appointed as the person in charge of it by the responsible authority;

“registered dental practitioner” means a person registered in the dentists register under the Dentists Act 1984⁽³⁾;

“registration authority” means—

- (a) in the case of a voluntary home, the Secretary of State; and
- (b) in the case of a registered children’s home, the local authority in whose area the home is situated;

“responsible authority” means—

- (a) in the case of a maintained community home, the local authority⁽⁴⁾ by whom it is maintained;
 - (b) in the case of a controlled or assisted community home, the body of managers, except in respect of a matter which is reserved, by the Act or the instrument of management, to the local authority or the voluntary organisation providing the home, and in that case means the local authority or the voluntary organisation providing the home;
 - (c) in the case of a voluntary home, the voluntary organisation by whom it is provided; and
 - (d) in the case of a registered children’s home, the person carrying it on.
- (2) In the Regulations unless the context otherwise requires—
- (a) any reference to a numbered section is to the section of the Act bearing that number;
 - (b) any reference to a numbered regulation is to the regulation in these Regulations bearing that number, and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number; and
 - (c) any reference to a numbered schedule is to that numbered Schedule to these Regulations.

Application of Regulations

3.—(1) Subject to paragraph (2)—

- (a) This Part, Part II and Part III of these Regulations apply to all children’s homes.
- (b) Part IV of these Regulations applies only to community homes.
- (c) Part VI of these Regulations applies only to registered children’s homes.
- (d) Parts V and VII of these Regulations apply only to voluntary homes.
- (e) Part VIII of these Regulations applies only to registered children’s homes and to voluntary homes.

(2) These Regulations shall not apply to premises used only to accommodate children for the purpose of a holiday for periods of less than 28 days at a time in the case of any one child.

⁽³⁾ 1984 c. 24.

⁽⁴⁾ “Local authority” is defined in section 105(1) of the Act as the council of a county, a metropolitan district, a London Borough of the Common Council of the City of London. Pursuant to section 2 of the Local Authority Social Services Act 1970 (c. 42) local authority functions under the Children Act 1989 stand referred to the social services committee of a local authority.

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⁽⁵⁾;
- (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⁽⁶⁾ 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,
 - (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;

⁽⁵⁾ S.I.1991/894.

⁽⁶⁾ 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).

- (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.

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⁽⁷⁾, 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.

(7) 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⁽⁸⁾ 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⁽⁹⁾;
 - (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) the outbreak in the home of any notifiable infectious disease to which the Public Health (Control of Disease) Act 1984⁽¹⁰⁾ applies or disease to which provisions of that Act are applied by Regulation made under that Act⁽¹¹⁾.

⁽⁸⁾ 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.

⁽⁹⁾ Equivalent provision is made in these circumstances by paragraph 20(1) of Schedule 2 to the Act.

⁽¹⁰⁾ 1984 c. 22.

⁽¹¹⁾ 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.

(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.

PART IV —

Community Homes

Secretary of State’s directions

23. The Secretary of State may give and revoke directions requiring—

- (a) the local authority by whom a community home is provided or who are specified in the instrument of management for a controlled community home, or
- (b) the voluntary organisation by which an assisted community home is provided

to accommodate in the home a child looked after by a local authority for whom no places are made available in that home or to take such action in relation to a child accommodated in the home as may be specified in the directions.

PART V —

Registration of Voluntary Homes

Application for registration of voluntary home

24. An application for registration under paragraph 1 of Schedule 5 to the Act (registration of voluntary homes) shall be—

- (a) made in writing to the Secretary of State; and
- (b) accompanied by the particulars specified in, or referred to in, Schedule 4.

PART VI —

Registered Children’s Homes

Application for registration of children’s home

25.—(1) An application under paragraph 1 of Schedule 6 to the Act (registration of a children’s home) shall be made in writing.

(2) Where the applicant is a natural person his application shall be accompanied by the particulars specified in Part I of Schedule 5.

(3) Where the applicant is a body corporate or unincorporate the application shall be accompanied by the particulars specified in Part II of Schedule 5.

(4) Whether the applicant is a natural person or a body corporate or unincorporate his application shall also be accompanied by the particulars specified in, or referred to in, Part III of Schedule 5.

Limits on number of children accommodated

26. The registration authority may limit the number of children to be accommodated in a registered children's home to such number as it may specify by means of a condition imposed under paragraph 2 of Schedule 6 to the Act.

Annual review of registration

27. In connection with an annual review of registration under paragraph 3 of Schedule 6 to the Act, the person carrying on the registered children's home shall notify the registration authority of any changes which there may have been since the previous review, or the original application where there has been no review, in any of the particulars furnished under regulation 25(2), (3) or (4).

Inspection of registered children's homes

28.—(1) Where an application has been made for the registration of a children's home, the registration authority shall cause it to be inspected before deciding whether or not to grant the application.

(2) Within the period of one month ending upon the anniversary of the registration of a registered children's home, the registration authority shall cause the home to be inspected.

(3) On at least one other occasion in any year the registration authority shall cause the home to be inspected.

(4) The registration authority may notify the person in charge of the home of its intention to conduct the inspection required by paragraph (2), but shall not do so with regard to any inspection pursuant to paragraph (3).

(5) The registration authority shall consider the report of any inspection of the home conducted in accordance with this regulation when determining whether or not the registration of the home shall be reviewed or cancelled.

Cancellation of registration

29. An application under paragraph 4(1) of Schedule 6 to the Act (cancellation of registration) shall be made in writing and shall include—

- (a) particulars of the date on which the person carrying on the home wishes the cancellation of the registration of the home to take effect, being a date no earlier than one month after the date on which the application is made;
- (b) particulars of the action which he intends should be taken with regard to alternative accommodation for any child then accommodated in the home.

Change of person in charge

30. The responsible authority shall give at least one month's prior notice in writing to the registration authority of any proposal to change the person in charge of a registered children's home, giving the particulars mentioned in Schedule 6.

PART VII —

Notification of Particulars with respect to Voluntary Homes

Particulars on establishment of a voluntary home

31.—(1) The particulars set out in Schedule 7 are hereby prescribed as the particulars with respect to a voluntary home for the purpose of—

- (a) paragraph 6(1) of Schedule 5 to the Act (particulars to be sent to the Secretary of State within 3 months from the establishment after the commencement of the Act of a home); and
- (b) paragraph 6(2) of Schedule 5 to the Act (particulars to be sent to the Secretary of State annually).

(2) The date prescribed for the purposes of paragraph 6(3) of Schedule 5 to the Act (by which particulars must be sent annually) is 3rd April.

PART VIII —

Local Authority Visits

Circumstances necessitating visits by Local Authorities

32. Every local authority shall arrange for one of their officers to visit every child who is accommodated within their area in a registered children's home or in a voluntary home in any of the following circumstances and within the periods specified—

- (a) where they are informed that a child not in the care of, nor looked after by, any local authority has been placed in such accommodation, within 28 days of being so informed;
- (b) where the voluntary organisation or the person carrying on a registered children's home providing such accommodation makes representations to the local authority that there are circumstances relating to the child which require a visit, within 14 days of receipt of those representations;
- (c) when they are informed that the welfare of a child may not be being safeguarded or promoted, within 7 days of being so informed.

Further visits

33.—(1) After a visit ("the first visit") has been made under regulation 32, the local authority shall arrange for such further visits to the child by one of their officers as appear to them to be necessary, (whether in the light of a change of circumstances or not), and shall in any event arrange for the further visits provided for by paragraphs (2) to (3).

(2) Where the local authority are satisfied following the first visit that the child's welfare is being safeguarded and promoted they shall arrange for a further visit by one of their officers where the first visit was made in the circumstances specified in regulation 32(a), within 6 months of the first visit.

(3) Where the local authority are not satisfied following the first visit that the child's welfare is being safeguarded and promoted but have decided that the child should continue to reside in the same accommodation, they shall arrange for a further visit by one of their officers within 28 days of the first visit.

Requirements for visits

34.—(1) Every local authority shall ensure that in the course of visits to which regulations 32 and 33 refer an officer of the authority—

- (a) sees the child alone (unless exceptionally he considers it unnecessary);
- (b) reads all relevant case papers and records concerning the child kept by the voluntary organisation or the person carrying on the registered children's home, and signs and dates them to indicate that he has seen them;
- (c) makes a written report of his visit which shall be copied to the voluntary organisation or person carrying on the registered children's home.

(2) The voluntary organisation or the person carrying on the home shall provide suitable accommodation for a visit made under regulation 32 or regulation 33.

PART IX —

Revocations

Revocation of Regulations

35. The following Regulations are revoked—

- (a) the Administration of Children's Homes Regulations 1951(12) ;
- (b) the Community Homes Regulations 1972(13) ;
- (c) the Children's Homes (Control and Discipline) Regulations 1990(14) .

Signed by authority of the Secretary of State for Health.

30th June 1991

Virginia Bottomley
Minister of State,
Department of Health

(12) S.I. 1951/1217.

(13) S.I. 1972/319.

(14) S.I. 1990/87.

SCHEDULE 1

Regulation 4

STATEMENT TO BE KEPT RELATING TO CHILDREN'S HOMES

PART I

particulars to be included in statement

1. The purpose for which the children's home is established, and the objectives to be attained with regard to children accommodated in the home.
2. The name and address of the responsible body, and of the person in charge of the children's home if different.
3. The following details about the children for whom it is intended that accommodation should be provided—
 - (a) their age-range;
 - (b) their sex;
 - (c) the number of children;
 - (d) whether children are selected by reference to other criteria than age or sex, and if so those criteria.
4. The organisational structure of the children's home.
5. The experience of the person in charge of the children's home, the staff and others working there, and details of qualifications held by any of those persons relevant to their work in the home, or to the care of children.
6. The facilities and services to be provided within the children's home for the children accommodated there.
7. The arrangements made to protect and promote the health of the children accommodated there.
8. The fire precautions and associated emergency procedures.
9. The arrangements made for religious observance by any child accommodated there.
10. The arrangements made for contact between a child accommodated there and his parents, any person who is not a parent of his but who has parental responsibility for him, relatives and friends.
11. The methods of control and discipline and the disciplinary measures used there, the circumstances in which any such measures will be used and who will be permitted to authorise them.
12. The procedure for dealing with any unauthorised absence of a child from the home.
13. The arrangements for dealing with any representation (including any complaint).
14. The arrangements for the education of any child accommodated there.
15. The arrangements for dealing with reviews under section 26 of the cases of every child accommodated there.

PART II

persons to whom statement is to be made available for inspection

1. The person in charge of the children's home.

2. The staff of the children's home and any other person working there.
3. The children accommodated in the children's home.
4. The parent of any child accommodated in the children's home.
5. Any person who is not a parent of a child accommodated in the children's home, but who has parental responsibility for such a child.
6. Any local authority looking after or having the care of a child accommodated in the children's home where they are not responsible for the management of the home.
7. Any voluntary organisation providing accommodation for a child accommodated in the children's home where they are not responsible for the management of the home.
8. Any local education authority which has placed a child in the children's home or is considering doing so.

SCHEDULE 2

Regulation 15(1)

INFORMATION TO BE INCLUDED IN CONFIDENTIAL RECORDS CONCERNING CHILDREN IN CHILDREN'S HOMES

1. The child's name and any name by which the child has previously been known other than a name used by the child prior to adoption.
2. The child's sex and date of birth.
3. The child's religious persuasion, if any.
4. A description of the child's racial origin, cultural and linguistic background.
5. Where the child came from before he was accommodated in the home.
6. The person by whose authority the child is provided with care and accommodation in the home, and the statutory provision under which he is so provided.
7. The name, address and telephone number and the religious persuasion, if any, of—
 - (a) the child's parents;
 - (b) any person who is not a parent of the child but who has parental responsibility for him.
8. The name, address and telephone number of any social worker for the time being assigned to the child by the local authority looking after him, or by the voluntary organisation or the person carrying on the registered children's home who are providing him with accommodation.
9. The date and circumstances of any absence of the child from the home including whether the absence was authorised and where the child went during the period of absence.
10. The date and circumstances of any visit to the child whilst in the home by any of the persons referred to in regulation 8(2)(c).
11. A copy of any statement of special educational needs under section 7 of the Education Act 1981(15) maintained in relation to the child, with details of any such needs.
12. The name and address of any school or college attended by the child, and of any employer of the child.
13. Every school report received by the child while accommodated in the home.

(15) 1981 c. 60, as amended by Schedule 12 of the Education Reform Act 1988 (c. 40).

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

14. The date and circumstances of any disciplinary measures imposed on the child.
15. Any special dietary or health needs of the child.
16. Arrangements for, including any restrictions on, contact between the child and—
 - (a) his parents;
 - (b) any person who is not a parent of his but who has parental responsibility for him;
 - (c) any other person.
17. The date and result of any review of the child's case.
18. The name and address of the medical practitioner with whom the child is registered.
19. Details of any accident involving the child.
20. Details of any immunisation, illness, allergy, or medical examination of the child and of any medical or dental need of the child.
21. Details of any health examination or developmental test conducted with respect to the child at or in connection with his school.
22. Details of all medicinal products taken by the child while in the home and by whom they were administered, including those which the child was permitted to administer to himself.
23. The date on which any money or valuables are deposited by or on behalf of a child for safekeeping, and the date on which such money is withdrawn, and the date on which any valuables are returned.
24. Where the child goes to when he ceases to be accommodated in the home.

SCHEDULE 3

Regulation 17

OTHER RECORDS WITH RESPECT TO CHILDREN IN CHILDREN'S HOMES

1. A record showing—
 - (a) a date on which each child was first accommodated in the children's home;
 - (b) the date on which any child ceased to be accommodated in the children's home;
 - (c) where each child came from before he was accommodated in the children's home;
 - (d) where each child who had ceased to be accommodated went when he left the children's home;
 - (e) the identity of the person, authority or organisation responsible for the child being placed in the children's home;
 - (f) which, if any, child accommodated in the children's home was being looked after, or in the care of, any authority or organisation and under what legal authority.
2. A record showing—
 - (a) the full names;
 - (b) the sex;
 - (c) the date of birth;
 - (d) the qualifications relevant to, and experience of work involving children,of every person who—
 - (i) is employed at the children's home,

- (ii) works at the home, or
- (iii) is intended by the responsible authority to work at the home,

showing whether they work at the home full-time or part-time, (whether paid or not) and if parttime the average number of hours worked per week, and whether or not they reside at the home or are intended to do so.

3. A record of all those persons resident at the children's home, other than the persons mentioned in paragraph 2 of this Schedule and children accommodated in the home.

4. A record of accidents occurring in the home.

5. A record of any medicinal product administered to any child in the home, including the date and circumstances of its administration and by whom it was administered, including medicinal products which the child is permitted to administer to himself.

6. A record of every fire drill or fire alarm test conducted, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.

7. A record of all money deposited by a child for safekeeping, together with the date on which that money was withdrawn, or the date of its return.

8. A record of all valuables deposited by a child and the date of their return.

9. Records of all accounts kept in the children's home.

10. A record of menus.

11. A record of every disciplinary measure imposed, giving the information required by regulation 8.

12. Records of duty rosters.

13. A daily log of events occurring in the home, including the names of visitors to any child accommodated in the home.

SCHEDULE 4

Regulation 24

PARTICULARS TO ACCOMPANY APPLICATION FOR REGISTRATION OF VOLUNTARY HOMES

1. The name of the voluntary organisation making the application.
2. The address and telephone number of the registered office or principal office of the voluntary organisation.
3. The names and addresses of the chairman and secretary of, or any other person responsible for the management of, the organisation, their dates of birth and, if the Secretary of State has requested, their qualifications and experience (if any) of running a home.
4. The name, address and telephone number of premises in respect of which registration is sought.
5. The name and address of any other home within the scope of Parts VI, VII or VIII of the Act, or Parts I or II of the Registered Homes Act 1984(16) in respect of which the voluntary organisation has or at any time had a financial interest, and details of that interest.

(16) 1984 c. 23.

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

6. A description of the premises and the area in which the premises are situated and details of any comments made by the health officer or environmental health officer for the area.
7. Particulars of the accommodation provided for residents in the home and for the employees and volunteers at the home.
8. The date on which the home was established or is to be established.
9. Particulars of any other business which is or will be carried on in or from the same premises as the home.
10. The name, sex, date of birth of the person in charge or intended to be in charge of the home and whether or not he resides or is to reside in the home, together with—
 - (a) the name and address of each person by whom he is or has been employed in the past ten years;
 - (b) the names and addresses of two persons, in addition to those referred to in subparagraph (a) who are willing and able to give a reference as to his suitability to be in charge of a home;
 - (c) particulars of his health and an undertaking to provide a report by a registered medical practitioner where the Secretary of State considers it necessary.
11. The number and sex of every person working or whom it is proposed should work in the home (as an employee or otherwise) with particulars of—
 - (a) whether they are or will be resident;
 - (b) whether they are full-time or part-time, and, if part-time the number of hours for which they are or will be employed;
 - (c) the positions they hold or will hold;
 - (d) any relevant qualifications.
12. Particulars of the equipment, facilities and services provided or to be provided in the home, and any special arrangements or services for any particular category of children.
13. The arrangements for the storage and administration of medicinal products.
14. The arrangements for medical and dental examinations and treatment.
15. The scale of charges payable in respect of residents.
16. The arrangements for the education of the children and what contact there is with the local education authority.
17. Particulars of any children in residence, including their name, sex, date of birth, and details of who was responsible for their placement in the home.
18. Particulars of any prospectus or advertisement relating to the home.
19. The particulars set out in Part I of Schedule 1.

SCHEDULE 5

Regulation 25(2), (3) and (4)

PARTICULARS TO ACCOMPANY APPLICATIONS FOR REGISTRATION AS REGISTERED CHILDREN'S HOME

PART I

particulars where applicant is a natural person

1. The name, date of birth, address and telephone number of the applicant.
2. The qualifications and experience (if any) held by the applicant which are relevant to his suitability to carry on the home.
3. The names and addresses of any person by whom the applicant is, or has at any time in the preceding ten years been, employed.
4. The names and addresses of two persons, in addition to those referred to in paragraph 3, who are willing and able to give a reference as to the suitability of the applicant to carry on a children's home.
5. A report (where the registration authority consider it necessary) by a registered medical practitioner as to the physical and mental health of the applicant.

PART II

particulars where applicant is a corporate or unincorporate body

6. The address of the registered office or principal place of business of the applicant.
7. The names, dates of birth and addresses of the chairman and secretary of the applicant.
8. The qualifications and experience (if any) held by the person whom the applicant intends to be in charge of the home which are relevant to his suitability to be in charge of the home.
9. The names and addresses of two persons who are willing and able to give a reference as to the suitability of the person mentioned in paragraph 8.

PART III

particulars required in all cases

10. The name, address and telephone number of the premises in respect of which registration is sought.
11. A description of the premises and the area in which they are situated, and particulars of any comments made by the local fire or environmental health authorities.
12. The name and address of any other home within the scope of Parts VI, VII or VIII of the Act, or Parts I or II of the Registered Homes Act 1984⁽¹⁷⁾ in respect of which the applicant has or at any time had a financial interest, or in the case of a natural person at which he was employed, and details of the interest or employment.
13. The date on which the home was established or is to be established.

(17) 1984 c. 23.

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

14. Particulars of any children in residence, including their name, sex, date of birth, and the local authority in whose care they are.

15. The name, sex, date of birth and other particulars, including date of employment or proposed employment, of any person employed or proposed to be employed in the children's home as a manager, together with details of—

- (a) his qualifications, insofar as they are relevant to his employment;
- (b) his previous experience in work involving or related to the care of children; and
- (c) whether he is intended to live on the premises;

and in this paragraph "manager" means any person to whom the day to day responsibility for the business of the home or any part of it is or is to be entrusted.

16. The name, sex, date of birth, and the responsibilities of every person working in the home (whether as an employee or otherwise) or whom it is proposed should work in the home, other than a person to whom paragraph 15 applies or a person working at the home only as a teacher.

17. The hours for which it is proposed any person mentioned in paragraphs 15 or 16 should work.

18. Details of which of the persons mentioned in paragraph 15 or 16 will be resident in the home.

19. The scale of charges payable for residents in the home.

20. Particulars of the equipment, facilities and services to be provided in the home, if any, and particular needs of children which are intended to be met by means of the equipment, facilities or services.

21. Particulars of the arrangements made or proposed for the education of resident children, and, if education is to be provided on the premises, information on the home's status as a school under the Education Act 1944**(18)** .

22. Particulars of the accommodation provided for resident children and for others resident at the home.

23. The arrangements for medical and dental examinations and treatment.

24. The particulars set out in Part I of Schedule 1.

25. Particulars of any prospectus or advertisements relating to the home.

26. Particulars of any other business which is, or is proposed to be, carried on on or from the premises of the home.

27. Where the person carrying on, or intending to carry on, the home is not also the person in charge the particulars required by paragraphs 1 to 5 of Part I of this Schedule for the person in charge.

SCHEDULE 6

Regulation 30

PARTICULARS OF CHANGE OF IDENTITY OF PROPOSED PERSON IN CHARGE OF REGISTERED CHILDREN'S HOME

- 1.** The name, date of birth, address and telephone number of the proposed person in charge.
- 2.** The qualifications and experience (if any) held by the proposed person which are relevant to his suitability to carry on the registered children's home.

(18) 1944 c. 31.

3. The names and addresses of any person by whom the proposed person in charge is, or has at any time in the preceding ten years been, employed.

4. The names and addresses of two persons, in addition to those referred to in paragraph 3, who are willing and able to give a reference as to the suitability of the proposed person in charge to be in charge of a children's home.

5. A report (where the registration authority considers it necessary) by a registered medical practitioner as to the physical and mental health of the proposed person in charge.

SCHEDULE 7

Regulation 31

PARTICULARS RELATING TO VOLUNTARY HOMES

1. The name, address and telephone number of the home.
2. The name and date of birth of the person in charge of the home.
3. The name, address and telephone number of the organisation or person carrying on the home.
4. The name and address of the chairman and secretary.
5. The maximum number of children who can be accommodated at one time in the home.
6. The criteria if any for admission to the home.
7. The religious persuasion or persuasions, if any, in which the home undertakes to bring up the children.
8. The weekly charge made in respect of each child accommodated in the home.
9. The name of any Government Department, other than the Department of Health, inspecting the home, and the date of the last inspection by each such Government Department.
10. The details and number of staff employed by the voluntary organisation by reference to care staff, ancillary staff, full-time and part-time, and including volunteers who work in the home.
11. The number of children accommodated in the home at the time the particulars were sent, giving—
 - (a) the total number;
 - (b) the number in the care of a local authority;
 - (c) the number receiving full-time education or vocational training at the home;
 - (d) the number receiving full-time education or vocational training outside the home;
 - (e) the number who are in full-time employment within the home;
 - (f) the number who are in full-time employment outside the home;

and giving the number by reference to sex and age bands of one to four, five to nine, ten to fifteen, and 16 years of age and over.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supersede with modifications the existing regulations relating to children's homes, whether community homes, registered children's homes or voluntary homes.

The main changes effected by these Regulations are as follows—

- (a) Private children's homes are required to be registered with and regularly inspected by the local authority for the area in which they are situated. There was no previous such requirement as the Children's Homes Act 1982 (c. 20) which dealt with this was never brought into force;
- (b) All types of children's home are subject to the same or similar provisions. Previously, quite different rules applied to voluntary homes and community homes, and none at all to private homes;
- (c) All homes will now have to provide a statement setting out their objectives;
- (d) Requirements about control and discipline have been strengthened. Corporal punishment is prohibited.

The Regulations provide for the conduct of children's homes.

They provide for each children's home to keep a statement of the particulars specified in Schedule 1, which shall be made available for inspection by those specified in Part II of that Schedule (regulation 4); in detail how children's homes should be conducted (regulations 5 to 14); provide for records to be kept about each child and about the running of the children's home and for guardians ad litem to have access to the records (regulations 15, 16 and 17 and Schedules 2 and 3).

They provide for regulations and guidance on them to be available in the home (regulation 18); certain events to be notified to specified persons (regulation 19); a procedure to be established when a child is absent from the home without authority (regulation 20); the procedure to be followed if the person in charge of a voluntary home or registered children's home proposes to be absent (regulation 21); and visits to homes on behalf of the responsible authority (regulation 22).

They provide for the Secretary of State to give and revoke directions in relation to a particular child accommodated or to be accommodated in a community home (regulation 23); particulars to be supplied with applications for registration of voluntary homes (regulation 24 and Schedule 4); the particulars to be supplied with applications for registration of registered children's homes and the number of children limited by the registration authority (regulations 25 and 26 and Schedule 5); the annual review of such registration and the inspection of registered children's homes before granting registration, and twice yearly thereafter (regulations 27 and 28); cancellation of registration of registered children's homes (regulation 29); the details to be supplied and notice to be given by the responsible authority to the registration authority if it is proposed to change the person in charge (regulation 30 and Schedule 6).

They provide for the particulars to be supplied on the establishment of a voluntary home (regulation 31 and Schedule 7); and for visits to be made by the local authority to all children's homes at prescribed intervals (regulations 32 to 34).

Regulation 35 revokes three sets of regulations which are superseded by these Regulations.