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STATUTORY INSTRUMENTS

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1951 No. 1217

**CHILDREN AND YOUNG PERSONS**

**LOCAL AUTHORITY AND VOLUNTARY HOMES**

**The Administration of Children's Homes Regulations, 1951**

<i>Made - - - -</i>	<i>5th July, 1951</i>
<i>Laid before Parliament</i>	<i>7th July, 1951</i>
<i>Coming into Operation</i>	<i>1st September, 1951</i>

I hereby make the following Regulations in pursuance of subsection (4) of section fifteen of the Children Act, 1948(a), in so far as they relate to the exercise by local authorities of their functions under the said section, the conduct of homes provided thereunder and the securing of the welfare of the children in the homes and in pursuance of section thirty-one of the said Act in so far as they relate to the conduct of voluntary homes and the securing of the welfare of the children therein.

PART I

LOCAL AUTHORITY HOMES AND VOLUNTARY HOMES

*General principles of administration*

1. The administering authority shall make arrangements for every home provided, or as the case may be, carried on by them to be conducted in such a manner and on such principles as are calculated to secure the well-being of the children in the home.

*Visits by administering authority*

2.—(1) The administering authority shall make arrangements for the home to be visited at least once in every month by a person who shall satisfy himself whether the home is conducted in the interests of the well-being of the children and shall report to the administering authority upon his visit and shall enter in the record book referred to in paragraph 3 of the Schedule hereto his name and the date of his visit.

(2) Where the administering authority is a local authority the arrangements shall secure that the person visiting is a member of the children's committee of the local authority, a member of a sub-committee established by that committee or such officer or one of such officers of the local authority as may be designated by the arrangements.

*Person in charge of home*

3.—(1) The administering authority shall appoint a person to be in charge of the home:

Provided that where a person is in charge of the home immediately before these Regulations come into force that person shall be deemed to have been appointed to be in charge of the home under this paragraph.

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(a) 11 & 12 Geo. 6. c. 43.

(2) The person in charge of the home shall compile the records referred to in the Schedule to these Regulations and shall keep them at all times available for inspection by any person visiting the home under Regulation 2 of these Regulations and by any inspector appointed by the Secretary of State.

(3) The person in charge of the home shall be responsible for the custody of the medical record of each child and shall at all times keep them available to the medical officer, to any inspector appointed by the Secretary of State and to any person specifically authorised to inspect them by the administering authority.

#### *Religious instruction*

4. The administering authority shall secure that each child attends such religious services and receives such religious instruction as are appropriate to the religious persuasion to which he belongs and are practicable in all the circumstances of the case.

#### *Medical care*

5.—(1) The administering authority for each home which they provide or, as the case may be, carry on shall appoint a medical officer.

(2) The duties of the medical officer shall include—

(i) the general supervision of the health of the children (excluding their dental health) ;

(ii) the general supervision of the hygienic condition of the premises ;

(iii) attendance at the home at regular intervals and with sufficient frequency to ensure that he is closely acquainted with the health of the children ;

(iv) the examination of the children at regular intervals ;

(v) the provision of such medical attention as may be necessary other than dental treatment ;

(vi) the giving of advice to the person in charge of the home on any matters affecting the health of any of the children therein or the hygienic condition of the premises ;

(vii) the supervision of the compilation of a medical record for each child accommodated in the home containing particulars of the medical history of the child before admission, so far as it is known, his physical and mental condition on admission, his medical history while accommodated in the home and his condition on discharge from the home.

(3) Notwithstanding anything in the preceding provisions of this Regulation the administering authority may appoint more than one medical officer and may divide the preceding duties among them as they see fit.

#### *Dental care*

6. The administering authority shall make suitable arrangements for the dental care of the children in the home.

#### *Notification of death, illness or accident*

7.—(1) Where the administering authority is a local authority that local authority, and in any other case the person in charge of the home, shall forthwith notify the Secretary of State—

(i) of the death of any child in the home and of the relevant circumstances ;

(ii) if known to the local authority or, as the case may be, the person in charge, of the death of any child formerly in the home who dies within two months of ceasing to be in the home and of the relevant circumstances in so far as they can by reasonable enquiry be ascertained ;

(iii) of any outbreak among the children in the home under five years of age of infective gastro-enteritis and of any outbreak of any infectious disease among such children which the medical officer states to the person in charge of the home to be sufficiently serious to be so notified.

(2) Where the administering authority is a local authority that local authority, and in any other case the person in charge of the home, shall forthwith notify—

(i) the death of any child in the home and the relevant circumstances ;

(ii) any accident to any child in the home or illness from which such a child suffers which the medical officer states to the person in charge of the home as sufficiently serious to be so notified,

to the parent or guardian of the child and, if the child is in the care of a local authority, being a child as respects whom Part II of the Act applies, and that local authority is not the administering authority of the home, to the said local authority.

#### *Consultation with fire authority*

**8.** If the administering authority is not the fire authority within the meaning of the Fire Services Act, 1947(b), of the area in which the home is situated they shall consult the fire authority on fire precautions in the home.

#### *Fire drill*

**9.** The administering authority shall make arrangements to secure by means of fire drills and practices that the staff in the home, and so far as practicable the children, are well versed in the procedure for saving life in case of fire.

#### *Notification of outbreaks of fire*

**10.** The administering authority shall notify the Secretary of State forthwith of any outbreak of fire in the home necessitating the removal of any children from the home or that part of it in which fire breaks out.

#### *Punishment*

**11.—(1)** No corporal punishment except that authorised by paragraph (3) of this Regulation shall be administered by any person except the person in charge of the home or in his illness or absence his duly authorised deputy.

(2) No corporal punishment shall be administered to a girl who has attained the age of ten years or to a boy who has attained the age at which he is no longer required by law to attend school (hereafter referred to as “school leaving age”).

(3) No corporal punishment shall be administered to a child under ten years of age except by smacking his hands with the bare hand of the person administering the punishment.

(4) No corporal punishment shall be administered to a boy who has attained the age of ten years but has not attained school leaving age except the caning of the posterior of the boy with a cane of a type approved by the Secretary of State applied over the boy's ordinary clothing to the extent of six strokes or less.

(5) No caning shall be administered in the presence of another child.

(6) No corporal punishment shall be administered, without the sanction of the medical officer for the home, to any child known to have any physical or mental disability.

## PART II

### ADDITIONAL PROVISIONS RELATING ONLY TO VOLUNTARY HOMES

#### *Limitation of numbers to be accommodated*

**12.**—(1) The Secretary of State may give directions to the persons carrying on a voluntary home limiting the number of children who may at any one time be accommodated in that home.

(2) Subsection (2) of section thirty-one of the Act (which provides for penalties for contravention or failure to comply with a Regulation) shall have effect in relation to this Regulation.

#### *Prohibition of certain clothing*

**13.**—(1) The Secretary of State may give directions to the persons carrying on a voluntary home prohibiting the provision for the children in that home or any of them of clothing specified in the directions.

(2) Subsection (2) of section thirty-one of the Act shall have effect in relation to this Regulation.

#### *Visits by parents or guardians*

**14.**—(1) The persons carrying on a voluntary home shall furnish to the Secretary of State on demand such information as he may from time to time require as to the facilities provided by them for the parents and guardians of children in the home to visit and communicate with those children, and shall comply with any directions given by the Secretary of State as to the provision of such facilities.

(2) Subsection (2) of section thirty-one of the Act shall have effect in relation to this Regulation.

#### *Change of persons in charge*

**15.** The persons carrying on a voluntary home shall forthwith give notice to the Secretary of State when a person in charge of a home ceases to be in charge of that home and of any new appointment after such cessation.

## PART III

### MISCELLANEOUS: EXTENT, INTERPRETATION, CITATION

#### *Exemptions for schools*

**16.** Where a school is established or maintained within a home by a local education authority under the Education Act, 1944(c), neither the function of inspection under Regulation 2 nor the duties of the person in charge of the home under Regulations 3 and 7, of the medical officer under Regulation 5, of the administering authority under Regulation 6 nor the provisions of Regulation 11 of these Regulations shall apply to the part of the home used as a school during that part of a day in which it is being so used or to any child during that part of a day in which he is attending the school.

*Application*

17. These Regulations apply to all homes provided by local authorities under section fifteen of the Act and voluntary homes except—

- (i) remand homes within the meaning of Part IV of the Children and Young Persons Act, 1933(d) ;
- (ii) approved probation hostels and approved probation homes within the meaning of section forty-six of the Criminal Justice Act, 1948(e) ; and
- (iii) any voluntary home which is, as a whole, subject to inspection by or under the authority of a government department otherwise than under the Children and Young Persons Act, 1933.

*Interpretation*

18.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the Children Act, 1948 ;

“administering authority” means the local authority providing or the persons carrying on a home, as the case may be ;

“voluntary home” has the same meaning as in section ninety-two of the Children and Young Persons Act, 1933, as amended by section twenty-seven of the Act.

(2) The Interpretation Act, 1889(f), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

*Citation and Commencement*

19. These Regulations may be cited as the Administration of Children's Homes Regulations, 1951, and shall come into force on the first day of September, 1951.

*J. Chuter Ede,*  
One of His Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
5th July, 1951.

SCHEDULE

Regulation 3 (2)

The records to be kept under the provisions of paragraph (2) of Regulation 3 shall be—

1. A register in which shall be entered the date of admission and the date of discharge of every child accommodated in the home.
2. In homes accommodating more than twenty children a register indicating every day every child present in the home on that day.
3. A record book in which shall be recorded events of importance connected with the home.
4. A record of every fire practice or drill conducted in the home.
5. Records of the food provided for the children accommodated in the home in sufficient detail to enable any person inspecting the record to judge whether the dietary is satisfactory.
6. Where consultation under Regulation 8 has taken place a record of fire precautions agreed upon by the administering authority and the fire authority after such consultation as being practicable in and suitable to the circumstances of the home.
7. A punishment book in which shall be entered a record of all corporal punishment administered.

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(d) 23 & 24 Geo. 5. c. 12.

(e) 11 & 12 Geo. 6. c. 58.

(f) 52 & 53 Vict. c. 63.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations deal with the conduct of children's homes provided by a local authority under section 15 of the Children Act, 1948, and of voluntary homes except homes which are remand homes, approved probation hostels, approved probation homes or voluntary homes subject to inspection otherwise than under the Children and Young Persons Act, 1933, by a government department.

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