

1972 No. 319

CHILDREN AND YOUNG PERSONS**The Community Homes Regulations 1972**

<i>Made</i> - - - -	<i>2nd March 1972</i>
<i>Laid before Parliament</i>	<i>10th March 1972</i>
<i>Coming into Operation</i>	<i>1st April 1972</i>

The Secretary of State for Social Services (as respects England, except Monmouthshire) and the Secretary of State for Wales (as respects Wales and Monmouthshire) in exercise of their powers under section 43 of the Children and Young Persons Act 1969(a) and of all other powers enabling them in that behalf hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Community Homes Regulations 1972, and shall come into operation on 1st April 1972.

Interpretation

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

“the Act” means the Children and Young Persons Act 1969;

“the Act of 1948” means the Children Act 1948(b);

“community home” means a home provided under section 36 of the Act, and unless the context otherwise implies includes a controlled community home and an assisted community home;

“child” means a person under the age of 18, and a person who has attained the age of 18 and is subject to a care order;

“responsible organisation” means the voluntary organisation responsible for the management, equipment and maintenance of an assisted community home;

“responsible body” means a local authority providing a community home under section 36(2)(a) of the Act, a local authority specified in the instrument of management for a controlled home under section 41 of the Act, and a voluntary organisation providing an assisted home under section 42 of the Act;

“local authority home” means a community home provided by the local authority under section 36(2)(a) of the Act;

“controlled community home” means a controlled community home designated as such in the regional plan in accordance with section 36(3) of the Act;

(a) 1969 c. 54.

(b) 1948 c. 43.

“assisted community home” means an assisted community home designated as such in the regional plan in accordance with section 36(3) of the Act;

“regional plan” has the meaning assigned to it in section 36(1) of the Act;

“managers” means a body of managers provided for in an instrument of management in accordance with section 39(1) of the Act, exercising the functions of the responsible authority as provided by section 41(2) of the Act as respects a controlled community home, or as the case may be, those of the responsible organisation as provided by section 42(2) of the Act as respects an assisted community home;

“secure accommodation” means accommodation in a community home for the purpose of restricting the liberty of children resident therein in accordance with sections 24(2) and 43(2)(c) of the Act;

“care authority” means a local authority into whose care a person is committed by means of a care order under section 20 of the Act, or who have received a child into care under section 1 of the Act of 1948 or to whose care a child is committed under section 23 of the Act;

“approved school” means a school approved by the Secretary of State under section 79 of the Children and Young Persons Act 1933(a);

“approved probation hostel and approved probation home” means premises approved under section 46(1) of the Criminal Justice Act 1948(b).

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

General provisions governing the conduct of community homes

3.—(1) The responsible body, and in the case of a controlled or assisted community home the managers, shall arrange for the community home under their charge to be conducted so as to make proper provision for the care, treatment and control of the children who are accommodated therein.

(2) In the case of a controlled or assisted community home the managers shall arrange for one or more of their number to visit the home at least once in every month and to report in writing to them on the conduct of the home; and in the case of a local authority home the authority shall arrange for the home to be visited at least once a month and a report made to them in writing upon the home by such persons as they consider appropriate.

Appointment of person in charge

4. The person in charge of a controlled or assisted community home shall be appointed in accordance with the provisions of the instrument of management, and the person in charge of a local authority home shall be appointed by the local authority.

Medical care and hygiene

5. The responsible body shall ensure that arrangements are made—

- (a) for providing all children resident in a community home with adequate medical (including where appropriate psychiatric) and dental care;
- (b) for maintaining satisfactory conditions of hygiene in the home;

and may for these purposes appoint one or more medical officers.

(a) 1933 c. 12.
(c) 1889 c. 63.

(b) 1948 c. 58.

Notification of death, illness or accident

6. The person in charge of a community home shall as soon as possible notify—

- (a) the responsible body and the managers of the death of any child accommodated in the home and the circumstances of the death,
- (b) the responsible body and the managers of the outbreak in the home of any infectious disease which in the opinion of the medical officer or other medical practitioner attending the children in the home is sufficiently serious to be so notified, or of any serious injury to or serious illness of any child accommodated in the home,
- (c) the child's parent or guardian, the care authority (not being the responsible body), any visitor appointed for the child under section 24(5) of the Act, and any person or organisation having accepted responsibility wholly or partly for the cost of the child's maintenance in the home, of the death of, or of any serious injury to or serious illness of, any child accommodated in the home.

Precautions against fire and accident

7.—(1) The responsible body shall ensure that adequate precautions are taken in a community home against fire and accidents, and in regard to fire if the responsible body are not themselves the local fire authority they shall consult that authority as to the precautions to be taken.

(2) The managers of the community home, or if there are no managers, the local authority providing the home, shall make arrangements to ensure that by means of drills and practices the staff and as far as practicable the children are well versed in procedures in case of fire, and that they know the precautions to be taken for the prevention of accidents.

Religious observance

8. The managers, or if there are no managers, the local authority providing the home, shall ensure that every child resident in the home has so far as practicable in the circumstances the opportunity to attend such religious services and to receive such instruction as are appropriate to the religious persuasion to which the child may belong.

Visits by parents, guardians, relatives and friends.

9. The responsible body shall provide suitable facilities for visits to a community home by parents, guardians, relatives and friends of the children accommodated therein, but the use of such facilities, times of visiting and other arrangements connected with the visits shall be as the managers, or where there are no managers, the local authority, may decide.

Control

10.—(1) The control of a community home shall be maintained on the basis of good personal and professional relationships between the staff and the children resident therein.

(2) The responsible body in respect of a local authority home or controlled community home and the local authority specified in the instrument of management for an assisted community home may approve in respect of each home such additional measures as they consider necessary for the maintenance of control in the home, and the conditions under which such measures may be taken, and in approving such measures and conditions they shall have regard to the purpose and character of the home and the categories of children for which it is provided.

(3) Any approval mentioned in the preceding paragraph shall be given in writing to the person in charge of the home, save that in the case of an assisted community home the approval shall be given to the responsible organisation, and shall be reviewed every twelve months.

(4) Full particulars of any of the measures mentioned in paragraph (2) of this regulation which are used and of the circumstances in which they are used shall be recorded in permanent form by the person in charge of the home and the record shall be kept in the home.

Secure accommodation

11.—(1) The responsible body may make application to the Secretary of State for approval to provide and use in a community home secure accommodation, and if such approval is given the Secretary of State may attach to it such terms and conditions as he thinks fit.

(2) Where secure accommodation has been provided in a home in accordance with approval from the Secretary of State the person in charge of the home may, if he considers it to be necessary in the interests of a child residing in the home or for the protection of other persons, admit a child to such accommodation for one continuous period not exceeding 24 hours or for more than one such continuous period provided that the total time spent in secure accommodation shall not exceed 48 hours in any consecutive period of seven days.

(3) If an extension of the period in secure accommodation is thought necessary by the person in charge of the home, he may apply to the managers, or if there are no managers, to the local authority providing the home, and permission to extend the period to a maximum of 14 continuous days may be given.

(4) If a further period in secure accommodation is thought necessary by the person in charge of the home he may make further application before the expiration of the period of 14 days, and permission may be given to extend the time to a total of 28 continuous days.

(5) Immediately on the managers or the local authority providing the home giving the permission mentioned in the foregoing paragraph they shall inform the care authority (or voluntary organisation having care of the child) that they have given such permission, and the care authority or voluntary organisation may before the expiry of the period of extension—

- (a) grant their permission for the period in secure accommodation to continue or to be extended for a specified or an indefinite period,
- (b) refuse such permission, in which case the period in secure accommodation shall come to an end not later than 48 hours after notification of the refusal,

and if such grant or refusal has not been notified by the end of the 28th day the period in secure accommodation shall cease forthwith.

(6) If the care authority or voluntary organisation grant permission under paragraph (5) of this regulation they shall review it at intervals not exceeding three months with a view to considering whether to terminate it.

(7) The care authority or the voluntary organisation having care of the child may terminate any permission mentioned in this regulation at any time by notifying the person in charge of the home, and they may communicate their permission, their refusal of permission or their termination of permission to the person in charge of the home in writing or orally and any such oral communication shall take effect immediately but shall be confirmed in writing.

(8) If such permission expires or is refused or terminated the care authority or the voluntary organisation having care of the child shall notify the person in charge of any future arrangements which they are making for the child's accommodation.

(9) For the purpose of giving or withholding permission for extension of time one of the managers or an officer of the local authority, as the case may be, shall be available at all times (including week-ends and public holidays) and the date and times when such manager or officer is available shall be ascertainable from a duty register to be kept in the home.

(10) The care authority or voluntary organisation having the care of the child if they consider it necessary in the interests of the child or for the protection of other persons may decide that a child shall be admitted to secure accommodation and may accordingly arrange for the child to be so accommodated and in such case paragraphs (2) to (9) of this regulation shall not apply but the care authority or voluntary organisation having care of the child shall review their decision at intervals not exceeding three months.

(11) All admissions to, discharges from and permissions in respect of the use of secure accommodation shall be recorded showing the date, and as regards admissions and discharges, the time thereof. The records shall be made by the person in charge of the home and shall be preserved in permanent form and retained in the home.

Obligation to receive children into secure accommodation

12. If a child in care is accommodated elsewhere than in a community home, or if the community home where a child is has no secure accommodation, and if the responsible body, care authority or voluntary organisation having care of the child or person in charge of the home considers it to be necessary in the interests of the child or for the protection of other persons that the child be admitted to secure accommodation, they may apply to the person in charge of a community home having suitable secure accommodation for the child's admission thereto, and the person in charge may if room is available accommodate the child therein, for a consecutive period not exceeding 14 days, provided that:

- (a) where a child has been taken into secure accommodation on the application of a person or body other than the care authority or the voluntary organisation having care of the child such person or body shall within 24 hours inform the care authority or the voluntary organisation that the child has been taken into secure accommodation, and the care authority or voluntary organisation before the expiration of the period of 14 days may,
 - (i) grant permission for the period in secure accommodation to continue or to be extended for a specified or an indefinite period,
 - (ii) refuse to allow the child to be further accommodated in secure accommodation, in which case the child shall not be accommodated for longer than 48 hours after notification of the refusal,

and if such grant or refusal has not been notified within 14 days from the time the child is first accommodated in secure accommodation he shall not be further so accommodated; and the provisions of paragraphs (6) to (8) of regulation 11 shall apply to the foregoing part of this regulation and any reference to permission in those paragraphs shall be construed as permission given under this regulation.

- (b) a person in charge of a home having secure accommodation shall not refuse an application to accommodate a child in secure accommodation if room is available and arrangements to receive into secure accommodation children from outside the home are sanctioned by the regional plan; but if the person in charge is instructed by the responsible body or the managers to accept the child he shall do so notwithstanding that such arrangements have not been sanctioned.

Review of permission to extend period of time in secure accommodation

13.—(1) Each care authority and each voluntary organisation responsible for the care of children shall appoint a committee, and two or more local authorities and two or more voluntary organisations may combine for the purpose of appointing a joint committee to represent them, for the purpose of reviewing permission given for admission to secure accommodation; and such committees may be appointed in connection with one or more homes.

(2) A committee mentioned in the foregoing paragraph shall have among its members an independent person, and for the purposes of this regulation “an independent person” shall be any person fulfilling the requirements of regulation 3 of the Children and Young Persons (Definition of Independent Persons) Regulations 1971(a).

Care during an interim order or on remand

14. Save for paragraphs (10) and (11) the provisions in regulation 11 of these regulations shall not apply to persons—

- (a) committed to care during the currency of an interim order as defined in section 20(1) of the Act;
- (b) committed to care on remand under section 23 of the Act;
- (c) taken into care and detained under section 29 of the Act.

Directions regarding accommodation of children

15. The Secretary of State may give and revoke directions requiring the responsible body to accommodate in a community home a child in the care of a local authority for whom no places are made available in that home under the regional plan or to take such action in relation to a child accommodated in the home as may be specified in the directions.

Information and records

16. The person in charge of a community home shall give to a person authorised under section 58 of the Act to inspect the home, such information as he may require and as may be relevant to his inspection of the home, its state and management, and of the children and their treatment, and shall further give to such authorised person access to records concerning the home kept therein, and the responsible body shall give to the person access to any records they may keep elsewhere in relation to the home.

Approval of Secretary of State to diminution etc. of buildings, grounds or facilities

17. Where the premises comprising a controlled or assisted community home were formerly used for an approved school, approved probation hostel or approved probation home, the voluntary organisation providing the community home or the trustees in whom the property of the voluntary organisation is

(a) S.I. 1971/486 (1971 I, p. 1436).

vested shall not, without the approval of the Secretary of State, do anything by way of diminution or alteration which materially affects the buildings or grounds or other facilities or amenities available for children in such home.

Keith Joseph,
Secretary of State for Social Services.

1st March 1972.

Peter Thomas,
Secretary of State for Wales.

2nd March 1972.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for the conduct of community homes and for securing the welfare of the children in them.

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