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STATUTORY INSTRUMENTS

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**1991 No. 1506**

**Children's Homes Regulations 1991**

**PART II —**

**Conduct of Children's Homes**

**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(1) 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;
- (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;

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(1) 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).

- (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.