
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 479

CHILDREN

The Children's Homes Regulations (Northern Ireland) 1996

Made - - - - *8th October 1996*

Coming into operation *4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 73, 74(2)(h), 77(3), 80(2), (3), (4), (5), 82(1), 89, 91(2)(h), 93(3), 96(2), (3), (4), (5), 98(1) and 105 of the Children (Northern Ireland) Order 1995⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Part I

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children's Homes Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“children's home” means a home provided under Part VII of the Order, a voluntary home or a registered children's home;

“Fire Authority” means the Fire Authority for Northern Ireland;

“guardian ad litem” means a guardian ad litem appointed pursuant to Article 60 of the Order or rules made under Article 66 of the Adoption (Northern Ireland) Order 1987⁽²⁾;

“medicinal product” means anything in respect of which a product licence under the Medicines Act 1968⁽³⁾ is required;

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

(1) S.I.1995/755 (N.I. 2)

(2) S.I. 1987/2203 (N.I. 22); paragraph 166 of Schedule 9 to the Children (Northern Ireland) Order 1995 substituted a new Article 66 with effect from 19th February 1996

(3) 1968 c. 67

“registered dental practitioner” means a person registered in the dentists register under the Dentists Act 1984⁽⁴⁾;

“registration authority” means, in the case of a voluntary home or a registered children’s home, the Health and Social Services Board in whose area the home is, or is to be, situated;

“responsible authority” means—

- (a) in the case of a home provided under Part VII of the Order, the authority by whom it is provided;
- (b) in the case of a voluntary home, the voluntary organisation by whom it is provided; and
- (c) in the case of a registered children’s home, the person carrying it on.

Application of Regulations to different classes of children’s homes

2.—(1) Subject to paragraph (2),—

- (a) this Part, Part II and Part III apply to all children’s homes;
- (b) Part IV applies only to voluntary homes;
- (c) Part V applies only to registered children’s homes; and
- (d) Part VI applies only to voluntary homes and registered children’s homes.

(2) These Regulations shall not apply to premises used by an authority 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.

Exemptions from registration and regulation as voluntary home or registered children’s home

3. The following homes are exempted from the definitions of “voluntary home” in Article 74(1) of the Order and “registered children’s home” in Article 90(1) of the Order—

- (a) any home 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;
- (b) a probation hostel and a bail hostel as defined in Article 2 of the Probation Board (Northern Ireland) Order 1982⁽⁵⁾;
- (c) a hostel run by or on behalf of a professional football club to provide care and accommodation exclusively for professional footballers or trainee professional footballers who are under the age of 18;
- (d) an institution within the further education sector within the meaning of Article 100 of the Education Reform (Northern Ireland) Order 1989⁽⁶⁾.

Part II

Conduct of Children’s Homes

Statement of purpose and function of children’s homes

4.—(1) The responsible authority shall, within 3 months of the coming into operation of these Regulations, compile and thereafter maintain and keep up to date a written statement of the

⁽⁴⁾ 1984 c. 24

⁽⁵⁾ S.I. 1982/713 (N.I. 10)

⁽⁶⁾ S.I. 1989/2406 (N.I. 20)

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 Order to inspect this statement).

Staffing of children's homes

5.—(1) The responsible authority shall ensure that, so far as is reasonably practicable, 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 accommodated 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 paragraphs (2) and (3).

(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 a children's 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 there are—

- (a) adequately lit, heated and ventilated; and
- (b) kept in good structural repair, clean and reasonably decorated and maintained for the purpose of accommodating children.

(3) Subject to paragraph (4), 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 parents;
- (b) any person who is not a parent of his 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 (Northern Ireland) 1996(7);
- (g) any visitor appointed for the child in accordance with Article 31 of the Order;
- (h) any person authorised in accordance with Article 149(2) of the Order by the Department to conduct an inspection of the children's home and the children there; and
- (i) in the case of a voluntary home or registered children's home any person authorised by the registration authority.

(4) In the case of a voluntary home or a registered children's home in respect of which a certificate under Article 70 of the Order is in force, the facilities for meeting privately the persons listed in paragraph (3) may be at a different address.

(5) The responsible authority shall ensure that there are provided in a 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.

(6) The responsible authority shall ensure that a telephone is available for children accommodated in a children's home in a setting where it is possible to make and receive telephone calls in private.

(7) The responsible authority shall ensure that any part of a home provided under Part VII of the Order used for the purposes of secure accommodation (within the meaning of Article 44 of the Order), is separate from the rest of the home.

Control and discipline

8.—(1) Except as otherwise directed by the Department in accordance with Article 26(5) of the Order, only such disciplinary measures as are for the time being approved by the responsible authority shall be used on children accommodated in a children's home.

(2) Subject to paragraph (3), the following measures shall not be used on children accommodated 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 parents,
 - (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 Article 31 of the Order,
 - (v) any social worker for the time being assigned to the child by the authority which is looking after him or voluntary organisation which is caring for him,
 - (vi) any guardian ad litem of the child, or
 - (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); or

- (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 medical or registered 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; or
 - (d) the imposition by the responsible authority or the person in charge of the children's home, having obtained a court order where necessary, of any prohibition, restriction or condition upon contact between the child and any person if the responsible authority or the person in charge of the home is 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 children's 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, a medical practitioner or registered dental 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 is 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 a children's home, which is due to his health, religious persuasion, racial origin or cultural background, is met.

(4) The responsible authority shall provide within a children's 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 a children's home to purchase clothes according to his needs.

(2) Where a child accommodated in a children's 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 is notified in writing of the following particulars—

- (a) the location of the children's 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; and
- (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 a children's home—

- (a) precautions are taken against the risk of fire;
- (b) means of escape in the event of fire are provided;
- (c) arrangements are made for detecting, containing and extinguishing fire;
- (d) arrangements are made for warning of an outbreak of fire and for evacuation in the event of fire; and
- (e) means for fighting fire are provided,

which are such as may reasonably be required in respect of that home.

(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 a children's 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 children's 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 a children's 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 is 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 statutory provision under which access may be obtained or given to records and information concerning a child; and
- (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 75 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. Each voluntary organisation, where it is acting as an authorised person⁽⁸⁾, and every person carrying on a registered children's home, shall provide a guardian ad litem of a child with—

- (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 a computer);
- (b) such copies of the records as the guardian ad litem 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 15 years, except for records of menus which need be kept only for one year.

⁽⁸⁾ For access by guardians ad litem to authority and authorised person's records *see* Article 61 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)). "Authorised person" is defined in Article 49(2) of that Order

Regulations and guidance

18. A copy of these Regulations and of any relevant guidance issued by the Department⁽⁹⁾ shall be kept in each children's 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; and
- (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 Director of Public Health⁽¹⁰⁾ of the Health and Social Services Board within whose area the children's home is situated;
 - (c) where the responsible authority is not an authority—
 - (i) the 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 Department, except in relation to paragraph (2)(a) where the child is being looked after by an authority⁽¹¹⁾; and
 - (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 children's 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 Act (Northern Ireland) 1967⁽¹²⁾ applies.

⁽⁹⁾ This guidance is published by Her Majesty's Stationery Office and is available from HMSO Bookshop, 16 Arthur Street, Belfast, BT1 4GD or direct from it by post

⁽¹⁰⁾ Article 32 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) provides that the Chief Administrative Medical Officer of a Health and Social Services Board shall be known as the Director of Public Health of that Board

⁽¹¹⁾ Equivalent provision is made in these circumstances by Article 34(1) of the Children (Northern Ireland) Order 1995

⁽¹²⁾ 1967 c. 36 (N.I.); Schedule 1, which specifies notifiable diseases, was substituted by the Schedule to the Public Health Notifiable Diseases Order (Northern Ireland) 1990 (S.R. 1990 No. 66)

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

Absence of a child without permission

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 children's home and the staff of, and others working in, the home.

Absence of person in charge of voluntary home 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 4 weeks or more, he shall give written notice to that effect to the registration authority at least 4 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 4 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 home or registered children's home shall inform the registration authority at least 7 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; and
- (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), a child is provided with accommodation in the home during the period of absence, the person for the time being in charge shall, within 7 days of the child first being provided with accommodation, inform the registration authority of the matters mentioned in paragraph (3).

(6) Within 7 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, or an employee of that body who is not directly concerned with the conduct of the home, to visit the home once a month and to report to them in writing on the conduct of the home.

(3) An authority providing a home under Part VII of the Order shall cause the home to be visited once a month and to report to it in writing upon the conduct of the home.

Part IV

Voluntary Homes

Application for registration of voluntary home

23. An application for registration under Article 80 of the Order (registration of voluntary homes) shall be—

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

Limits on number of children accommodated

24. The registration authority may limit the number of children to be accommodated in a voluntary home to such number as it may specify by means of a condition imposed under Article 81 of the Order.

Annual review of registration

25. In connection with an annual review of registration under Article 86 of the Order, the voluntary organisation 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 the particulars specified in Schedule 4.

Inspection of voluntary homes

26.—(1) Where an application has been made for the registration of a voluntary 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 voluntary 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 voluntary 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 voluntary 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

27. An application under Article 82(1) of the Order (cancellation of registration) shall be made in writing and shall include—

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

Change of person in charge

28. 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 voluntary home, giving the particulars specified in Schedule 6.

Part V

Registered Children's Homes

Application for registration of children's home

29.—(1) An application for registration under Article 96 of the Order (registration of a children's home) shall be made in writing.

(2) Where the applicant is an individual 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 an individual 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

30. 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 Article 97 of the Order.

Annual review of registration

31. In connection with an annual review of registration under Article 102 of the Order, 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 29(2), (3) or (4).

Inspection of registered children's homes

32.—(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 registered children's 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 registered children's 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

33. An application under Article 98(1) of the Order (cancellation of registration) shall be made in writing and shall include—

- (a) particulars of the date on which the person carrying on the registered children's 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; and
- (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

34. 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 specified in Schedule 6.

Part VI

Authority visits to Children in Voluntary Homes or Registered Children's Homes

Circumstances necessitating visits by authorities

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

- (a) where the authority is informed that a child not in the care of, nor being looked after by, any authority has been placed in such accommodation, within 7 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 authority that there are circumstances relating to the child which require a visit, within 14 days of receipt of those representations; or
- (c) when the authority is informed that the welfare of a child may not be being safeguarded or promoted, within 24 hours of being so informed.

Further visits

36.—(1) After a visit ("the first visit") has been made under regulation 35, the authority shall arrange for such further visits to the child by one of its officers as appears to the authority 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) and (3).

(2) Where the authority is satisfied following the first visit that the child's welfare is being safeguarded and promoted, the authority shall arrange for a further visit by one of its officers where the first visit was made in the circumstances specified in regulation 35(a), within 6 months of the first visit.

(3) Where the authority is not satisfied following the first visit that the child's welfare is being safeguarded and promoted, but has decided that the child should continue to reside in the same accommodation, the authority shall arrange for a further visit by one of its officers within 7 days of the first visit.

Requirements for visits

37.—(1) Every authority shall ensure that in the course of visits to which regulations 35 and 36 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; and
- (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 registered children's home shall provide suitable accommodation for a visit made under regulation 35 or 36.

Part VII

Revocation

Revocation

38. The Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975(**13**), insofar as they continue to have effect, are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 8th October 1996.

P. A. Conliffe
Assistant Secretary

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; and
 - (d) whether children are selected by reference to criteria other 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 children's 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 Article 45 of the Order of the cases of every child accommodated there.
16. The arrangements for consultation with a child regarding his future care.
17. The arrangements for involving a child in group care decisions, commensurate with the age and maturity of the child.

Part II

Persons to whom statement is to be made available for inspection

18. The person in charge of the children's home.
19. The staff of the children's home and any other person working there.
20. The children accommodated in the children's home.
21. The parent of any child accommodated in the children's home.
22. 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.
23. Any authority looking after a child accommodated in the children's home where the authority is not responsible for the management of that home.
24. Any voluntary organisation providing accommodation for a child accommodated in the children's home where they are not responsible for the management of that home.
25. The independent visitor (if one has been appointed), of any child accommodated in the children's home.
26. The guardian ad litem (if one has been appointed), of any child accommodated in the children's home.
27. Any registration authority.

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 children's home.
6. The person by whose authority the child is provided with care and accommodation in the children's 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; and
 - (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 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 children's 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 children's home by any of the persons referred to in regulation 8(2)(c).

11. A copy of any statement of special educational needs under Article 31 of the Education and Libraries (Northern Ireland) Order 1986(14) 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 children's home.
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; and
 - (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 children's 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 safe-keeping, 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 children's home.

SCHEDULE 3

Regulation 17(1)

Other records with respect to children in children's homes

1. A record showing—
 - (a) the 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; and
 - (f) which, if any, child accommodated in the children's home was being looked after, or in the care of, any organisation and under what legal authority.

2. A record showing—
 - (a) the full names;
 - (b) the sex;
 - (c) the date of birth; and
 - (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 part-time 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 and children accommodated in the home.
4. A record of accidents occurring in the children’s home.
5. A record of any medicinal product administered to any child in the children’s 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 children’s home, including the names of visitors to any child accommodated in the home.

SCHEDULE 4

Regulation 23

Particulars to accompany an application for registration of a voluntary home

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 registration authority has requested, their qualifications and experience (if any) of running a home.
4. The name, address and telephone number of the premises in respect of which registration is sought.
5. The name and address of any other home within the scope of Part VIII or IX of the Order, or Part II or III of the Registered Homes (Northern Ireland) Order 1992(15) in respect of which the voluntary organisation has or at any time had a financial interest, and details of that interest.
6. A description of the premises and the area in which the premises are situated and details of any comments made by the environmental health officer for the area or the Fire Authority.
7. Particulars of the accommodation provided for residents in the voluntary home and for the employees and volunteers at the home.
8. The date on which the voluntary 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 voluntary home.
10. The name, sex and date of birth of the person in charge, or intended to be in charge, of the voluntary 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 10 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 voluntary home;
 - (c) his qualifications, insofar as they are relevant to his employment; and
 - (d) particulars of his health and an undertaking to provide a report by a medical practitioner where the registration authority considers it necessary.
11. The name, sex and date of birth of every person working, or whom it is proposed should work, in the voluntary home (as an employee or otherwise), with particulars of—
 - (a) whether they are or will be resident in the home;
 - (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; and
 - (d) any relevant qualifications.
12. Particulars of the equipment, facilities and services provided or to be provided in the voluntary 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 in the voluntary home.
16. The arrangements for the education of the children and what contact there is with the education and library board for the area in which the voluntary home is, or is to be, situated.
17. Particulars of any children in residence, including their name, sex and date of birth, and details of who was responsible for their placement in the voluntary home.

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18. Particulars of any prospectus or advertisement relating to the voluntary home.
19. The particulars set out in Part I of Schedule 1.

SCHEDULE 5

Regulation 29(2), (3) and (4)

Particulars to accompany an application for registration as a registered children's home

Part I

Particulars where applicant is an Individual

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 a registered children's home.
3. The names and addresses of any person by whom the applicant is, or has at any time in the preceding 10 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 registered children's home.
5. A report (where the registration authority considers it necessary) by a 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 registered children's 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 environmental health officer for the area or the Fire Authority.
12. The name and address of any other home within the scope of Part VIII or IX of the Order or Part II or III of the Registered Homes (Northern Ireland) Order 1992 in respect of which the

applicant has or at any time had a financial interest, or in the case of an individual, 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.

14. Particulars of any children in residence, including their name, sex and date of birth, and details of who was responsible for their placement in the home.

15. The name, sex and date of birth of the person in charge, or intended to be in charge, of the registered children's home and whether or not he resides, or is to reside, in the home, together with details of—

- (a) the name and address of each person by whom he is, or has been, employed in the past 10 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 registered children's home;
- (c) his qualifications, insofar as they are relevant to his employment; and
- (d) particulars of his health and an undertaking to provide a report by a medical practitioner where the registration authority considers it necessary.

16. The name, sex and date of birth of every person working, or whom it is proposed should work, in the home (whether as an employee or otherwise), with particulars of—

- (a) whether they are or will be resident in the home;
- (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; and
- (d) any relevant qualifications.

17. The scale of charges payable in respect of residents in the home.

18. 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.

19. The arrangements made or proposed for the education of the children and what contact there is with the education and library board for the area in which the home is, or is to be, situated.

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

21. The arrangements for the storage and administration of medical products.

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

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

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

25. Particulars of any other business which is, or will be, carried on in, or from, the same premises as the home.

26. 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 for the person in charge.

SCHEDULE 6

Regulations 28 and 34

Particulars of change of identity of proposed person in charge of voluntary home or 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 voluntary home or the registered children's home.
3. The names and addresses of any person by whom the proposed person in charge is, or has at any time in the preceding 10 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 medical practitioner as to the physical and mental health of the proposed person in charge.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the conduct of children's homes. They supersede the existing Regulations relating to voluntary children's homes, and provide that all types of children's homes, whether homes provided under Part VII of the Children (Northern Ireland) Order 1995, voluntary homes or registered children's homes are subject to the same or similar provisions.

Part I of the Regulations relates to their citation, commencement, interpretation and application (regulations 1 and 2). It provides for exemptions for certain homes from registration and regulation as a voluntary home or registered children's home (regulation 3).

Part II relates to the conduct of children's homes. It provides 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); specifies in detail how children's homes should be conducted (regulations 5 to 14); provides 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 to 17 and Schedules 2 and 3).

Part III relates to the administration of children's homes. It provides for a copy of the regulations and guidance relating to children's homes to be available in each children's home (regulation 18); specifies certain events to be notified to specified persons (regulation 19); provides for a procedure to be established when a child is absent from the home without permission (regulation 20); sets out 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 provides for visits to homes on behalf of the responsible authority (regulation 22).

Parts IV and V relate to the registration of voluntary homes and registered children's homes. They provide for particulars to be supplied with applications for registration of voluntary homes and registered children's homes (regulations 23 and 29 and Schedules 4 and 5); enable the registration authority to limit the number of children who may be accommodated in such homes (regulations 24

and 30); provide for the annual review of the registration of voluntary homes and registered children's homes (regulations 25 and 31); provide for the inspection of homes before granting registration, and twice yearly thereafter (regulations 26 and 32); provide for cancellation of the registration of voluntary homes and registered children's homes (regulations 27 and 33); specify the details to be supplied and notice to be given by a responsible authority to the registration authority if it is proposed to change the person in charge of the home (regulations 28 and 34 and Schedule 6).

Part VI relates to authority visits to children in homes. It provides for visits to be made at prescribed intervals by authorities to children in voluntary homes and registered children's homes (regulations 35 to 37).

Part VII revokes the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975 which are superseded by these Regulations (regulation 38).

Articles 73, 74(2)(h), 77(3), 80(2), (3), (4), (5), 82(1), 89, 91(2)(h), 93(3), 96(2), (3), (4), (5), 98(1) and 105 of the Children (Northern Ireland) Order 1995 are the enabling provisions under which these Regulations are made. They were brought into operation on 18th July 1996 by Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 (S.R. 1996 No. 297 (C.17)).