1975 No. 293

CHILDREN AND YOUNG PERSONS

Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975

Made . . . . . *8th October* 1975

Coming into operation . . . . *1st December* 1975

The Department of Health and Social Services in exercise of the powers conferred on it by sections 127(2) and 129 of the Children and Young Persons Act (Northern Ireland) 1968(**a**) and now vested in it(**b**) and of all other powers enabling it in that behalf hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975 and shall come into operation on 1st December 1975.

Interpretation

2. In these regulations—

"Act" means the Children and Young Persons Act (Northern Ireland) 1968;

"administering authority" means the person or persons carrying on the voluntary home;

"child" means a person under the age of eighteen;

"Department" means the Department of Health and Social Services;

"Fire Authority" means the Fire Authority for Northern Ireland;

"Health and Social Services Board" means such a Board established under the Health and Personal Social Services (Northern Ireland) Order 1972(**c**);

"home" means a voluntary home as defined by section 126 of the Act;

"inspector" means a person authorised by the Department under section 168(1) of the Act;

"school" has the same meaning as in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1972(**d**).

Application for registration

3.—(1) Subject to paragraph (2) an application for the registration of a voluntary home shall be made as prescribed in Schedule 1.

(2) Any voluntary home registered before these regulations come into operation shall be deemed to have been registered under Part VIII of the Act.

(**a**) 1968 c. 34 (N.I.)
(**b**) S.R. & O. (N.I.) 1973 No. 504 Article 5(*a*) (II, p. 2992)
(**c**) S.I. 1972 No. 1265 (N.I. 14)
(**d**) S.I. 1972 No. 1263 (N.I. 12)

General provisions governing the conduct of voluntary homes

4.—(1) The administering authority shall ensure that each home in its charge is conducted in such a manner and on such principles as will further the well-being of the children in the home.

(2) 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 Schedule 2 his name and the date of his visit.

Appointment of person in charge

5.—(1) Subject to paragraph (2) the administering authority shall appoint a person to be in charge of the home.

(2) Any person in charge of a home immediately before these regulations come into operation shall be deemed to have been appointed to be in charge of the home under paragraph (1).

(3) The person in charge of the home shall compile the records referred to in Schedule 2 and shall keep them at all times available for inspection by any inspector appointed by the Department.

(4) The person in charge of the home shall be responsible for the custody of the medical records of each child and shall keep them at all times available to the medical officer or officers appointed by the administering authority under regulation 7 or to any inspector appointed by the Department.

Change of person in charge

6. The administering authority shall forthwith give notice to the Department when a person in charge of a home ceases to be in charge of that home, and of any new appointment to the position.

Medical care and hygiene

7.—(1) The administering authority shall appoint a medical officer for each home in its charge.

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

(*a*) the general supervision of the health of the children (excluding dental health);

(*b*) the general supervision of the hygienic condition of the premises;

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

(*d*) the medical inspection of the children at regular intervals;

(*e*) the provision of such medical attention as may be necessary;

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

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

Dental care

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

Notification of death, illness or accident

9.—(1) The administering authority shall notify the Department forthwith—

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

(*b*) of any accident in the home resulting in serious injury to a child or a member of the staff;

(*c*) if known to the administering authority, of the death of any child who dies within two months of ceasing to be in the home and of the relevant circumstances so far as they can by reasonable enquiry be ascertained; and

(*d*) of any outbreak among the children in the home under five years of age of infective gastro-enteritis, and of any outbreak of infectious disease among any of the children 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.

(2) Where a child dies or contracts an illness or sustains an accident which the medical officer considers to be serious, the administering authority shall notify the circumstances forthwith to—

(*a*) the parent or guardian;

(*b*) the Health and Social Services Board in whose care the child is; and

(*c*) any other person or organisation having accepted responsibility wholly or partly for the maintenance of the child.

Precautions against fire and accident

10.—(1) The administering authority shall ensure that adequate precautions are taken against fire and accidents and in regard to fire they shall—

(*a*) obtain the advice of the Fire Authority before opening a new home or making any structural alterations to an existing home; and

(*b*) consult the Fire Authority as to the precautions to be taken and arrange for periodic inspections of each home in its charge by the Fire Authority.

(2) The administering authority shall ensure that periodic fire drills and practice are carried out in each home in its charge, so that the staff, and so far as possible the children are well versed in the practice for saving life in case of fire.

(3) The administering authority shall report to the Department forthwith any outbreaks of fire in any home in its charge.

Religious observance

11. The administering authority shall ensure that so far as is practicable each child in the home attends such religious services and receives such religious instruction as are appropriate to the religious persuasion to which he belongs.

Visits by parents and guardians

12. The administering authority shall furnish to the Department on demand such information as the Department may require as to the facilities provided for the parents or guardians or relatives of children in the home to visit and communicate with the children, and shall comply with any directions given by the Department as to the provision of such facilities.

Control

13.—(1) The person in charge of a home shall ensure that order is maintained as far as possible by the personal influence and understanding of the staff, and resort to corporal punishment shall be avoided as far as possible.

(2) Where correction is needed for minor acts of misbehaviour, the punishment shall take the form of forfeiture of rewards or privileges or temporary loss of recreation; provided that a light tap of the hand may occasionally be applied to the hand of a child with the object of indicating urgent disapproval rather than that of inflicting pain.

(3) Other forms of corporal punishment shall be subject to the following conditions:

(*a*) It shall be inflicted only on the hands or posterior with an unsplit light bamboo cane and shall not exceed six strokes in the case of a child over 10 years of age, and two strokes in the case of a child over 8 and under 10 years of age. Immediately the decision to reprimand a child has been made the punishment shall be administered forthwith, except in the case of a child who has a physical or mental disability as mentioned in sub-paragraph (*e*). No child under 8 years of age shall be so punished.

(*b*) It shall not be administered by any person other than the person in charge of the home or in his absence his duly authorised deputy.

(*c*) A second member of the staff shall be present to witness the proceedings.

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

(*e*) Any child known to have a physical or mental disability shall not be subjected to corporal punishment without the sanction of the medical officer.

(4) Particulars of the administration of corporal punishment under paragraph (3) of this regulation (giving the name and age of the child concerned, the offence and the number of strokes of the cane awarded him and whether the child is physically or mentally handicapped) shall be entered in the record book referred to in Schedule 2 to these regulations.

(5) At the commencement of each quarter the administering authority shall furnish to the Department a return giving particulars of corporal punishment imposed during the preceding three months.

Directions regarding accommodation of children

14.—(1) The Department may give directions limiting the number of children who may at any one time be accommodated in a home.

(2) The Department may give directions limiting the period during which any child may be accommodated in a home.

(3) The Department may direct any child to be removed from a home and be placed in another home or be boarded out, or be otherwise dealt with.

(4) The Department may require the administering authority to furnish returns of the children in a home or boarded-out from a home in such form as the Department may direct.

Children's apparel

15. The Department may give directions to the administering authority prohibiting the provision for the children in any home in its charge of clothing specified in the directions.

Application of regulations where there is a school within the home

16. Where a school is established or maintained within a home, these regulations shall not apply to any child during that part of the day in which he is attending the school.

Special circumstances

17. Where in the opinion of the administering authority it is desirable in the special circumstances of any situation that the provisions of one or more of the foregoing regulations should not apply, a special arrangement may be made with the prior consent of the Department.

Revocation

18. The Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1950(e) and 1952(f) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 8th October 1975.

(L.S.)

R. F. Mills
Assistant Secretary

(e) S.R. & O. (N.I.) 1950 No. 38 (p. 113)
(f) S.R. & O. (N.I.) 1952 No. 131 (p. 38)

SCHEDULE 1

Application for registration of a voluntary children's home

1. Name and full postal address of the voluntary home ....

2. (*a*) Name of organisation or society intending to carry on the home— ....

   (*b*) If a local committee exists, the name and address of—

   (i) the chairman, and ....

   (ii) the secretary ....

   (*c*) Name and designation of person in charge of the home ....

3. Date on which it is intended to open the home for the reception of children if application for registration is granted .....

4. Number of children (that is, persons under the age of 18) for whom it is intended to provide care in the home—

	Boys	*Girls*
Under 2 years	.....	.....
2— 4 years	.....	.....
5—14 years	.....	.....
15—18 years	.....	.....

5. Number of persons other than staff age 18 or over whom it is intended to accommodate in the home

Male	*Female*
.....	.....

6. Particulars as to the arrangements made for after-care in regard to—
   (i) supervision on leaving the home
   (ii) employment

NOTE:
A Voluntary Home is defined in section 126 of the Children and Young Persons Act (Northern Ireland) 1968 as "any home or other institution used in whole or in part for the boarding, protection, care and maintenance of poor children or children otherwise in need of help, being a home or other institution supported wholly or partly by voluntary contributions or endowments but not being either—

(*a*) a school; or

(*b*) a private hospital within the meaning of the Mental Health Act (Northern Ireland) 1961".

SCHEDULE 2

Records to be kept under the provisions of regulation 5(3)

(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) A record book in which shall be recorded events of importance connected with the home.

(3) A record of every fire practice or drill conducted in the home, together with records of all fire precautions agreed upon after consultation with the Fire Authority.

(4) Menus of the meals provided for the children in the home kept in sufficient detail to enable any person inspecting them to judge whether a balanced diet was available.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations revoke and re-enact with certain modifications the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1950 and 1952.

The regulations prescribe the requirements in connection with the registration and conduct of voluntary children's homes and for securing the welfare of the children in them.