WELSH STATUTORY INSTRUMENTS

# 2002 No. 3161 (W.296)

# SOCIAL CARE, WALES
# CHILDREN AND YOUNG PERSONS, WALES

## The Inspection of Boarding Schools and Colleges (Powers and Fees)(Wales) Regulations 2002

*Made - - - - 17th December 2002*

*Coming into force - - 1st February 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 87(6), 87D(2) and 104(4) of the Children Act 1989(**1**).

**Citation, interpretation, application and commencement**

**1.**—(1) These regulations may be cited as The Inspection of Boarding Schools and Colleges (Powers and Fees) (Wales) Regulations 2002.

(2) In these regulations—

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989;

"authorised person" ("*person awdurdodedig*") means a duly authorised person who is exercising the power of entry conferred by section 87(5) of the 1989 Act; and

"relevant school or college" ("*ysgol neu goleg perthnasol*") means a school or college which provides accommodation for any child and to which section 87(1) of the 1989 Act applies.

(3) These regulations apply in relation to Wales.

(4) These Regulations shall come into force on 1st February 2003.

**Inspection of Premises**

**2.**—(1) An authorised person may inspect any premises, or part of any premises, which are, or are to be, the premises of a relevant school or college.

(2) An authorised person may carry out such examination into the state and management of the premises inspected under paragraph (1) as he considers necessary for the purposes of the inspection.

(**1**) 1989 c. 41. The powers are exercisable by the Secretary of State. In relation to Wales the functions are transferred to the National Assembly for Wales by Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and section 120(2) of the Care Standards Act 2000.

(3) An inspection under paragraph (1) may take place without notice to the relevant person(**2**).

**Inspection of records**

**3.**—(1) An authorised person may inspect any record of a relevant school or college which is relevant to the discharge of the National Assembly for Wales' duty under section 87(3) of the 1989 Act.

(2) The power in paragraph (1) includes power to require the relevant person to produce any records, wherever kept, for inspection on the premises.

(3) In this regulation, a reference to a record includes a record which is kept by means of a computer.

**Inspection of Children**

**4.**—(1) Subject to the provisions of this regulation, an authorised person may, for the purpose of enabling the National Assembly for Wales to discharge its duty under section 87(3) of the 1989 Act, carry out an inspection of children who are provided with accommodation by a relevant school or college.

(2) An inspection may include a physical examination of a child by the authorised person, provided that—

(a) the authorised person is a registered medical practitioner or a registered nurse;

(b) the authorised person has reasonable cause to believe that the welfare of the child in question is not being adequately safeguarded or promoted by the relevant person(**2**); and

(c) the child consents to the examination, or is incapable of giving consent.

(3) An examination under paragraph (2) shall take place in private.

(4) Subject to paragraph (5), an authorised person may interview in private, or solicit written or verbal expressions of opinion from any child or group of children who consent to be interviewed or to express their views, as the case may be.

(5) An authorised person may not interview any individual child in private unless—

(a) the child concerned has expressly asked to be interviewed alone and in private; or

(b) the authorised person considers on reasonable grounds that such an interview is necessary to enable the National Assembly for Wales to discharge its duty under section 87(3) of the 1989 Act.

(6) No inspection may be carried out under this regulation in respect of—

(a) any child of a member of staff of a relevant school or college; or

(b) any other child living with such a member of staff as a member of his or her household,

unless the child is also a pupil or student of the school or college.

**Inspection — general**

**5.** An authorised person may in carrying out any inspection under these Regulations—

(a) require any person to afford him or her such facilities and assistance with respect to matters within that person's control as are necessary to enable the authorised person to exercise his or her powers under these Regulations; and

(**2**) *See* section 87(11) and (12) of the 1989 Act for the meaning of "relevant person".
(**2**) *See* section 87(11) and (12) of the 1989 Act for the meaning of "relevant person".