STATUTORY RULES OF NORTHERN IRELAND

2005 No. 455

HEALTH AND PERSONAL SOCIAL SERVICES

The Regulation and Improvement Authority (Inspection of Children, Records and Schools) Regulations (Northern Ireland) 2005

Made - - - -	*14th October 2005*
Coming into operation	*14th November 2005*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it by Article 176(5) of the Children (Northern Ireland) Order 1995(**1**) and of all other powers enabling it in that behalf, after consultation with the Department of Education, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Regulation and Improvement Authority (Inspection of Children, Records and Schools) Regulations (Northern Ireland) 2005 and shall come into operation on 14th November 2005.

(2) In these Regulations—

"authorised person" means a person authorised by the Regulation and Improvement Authority under Article 176(4) of the Children (Northern Ireland) Order 1995(**2**) (Children accommodated in schools) to enter at any time, premises which are, or are to be, premises of the school in exercise of the power conferred by that Article;

"relevant school" means, in relation to an inspection, any school which provides accommodation for a child;

"nurse" means a person registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001(**3**) by virtue of qualification in nursing or midwifery as the case may be.

Inspection of premises

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

(**1**) S.I. 1995/755 (N.I. 2) (as amended by S.I. 2003/431 (N.I. 9)
(**2**) Paragraph 4 was substituted by Schedule 4 of S.I. 2003/431 (N.I. 9)
(**3**) S.I. 2002/253

(2) An authorised person may carry out an examination into the state and management of the premises inspected under paragraph (1).

(3) An inspection under paragraph (1) may take place without notice to the managers.

Inspection of children

3.—(1) Subject to the provisions of this regulation, an authorised person may carry out an inspection of the children who are accommodated in a relevant school either individually or together with other such children in such a school.

(2) Subject to paragraph (3), an inspection may include a physical examination of a child, if the authorised person considers it necessary.

(3) An authorised person may only conduct a physical examination under paragraph (2) if—

(a) he is a medical practitioner or a nurse;

(b) he has reasonable cause to believe that the welfare of the child in question is not being adequately safeguarded or promoted by the managers of any relevant school; and

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

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

(5) Subject to paragraph (6), 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.

(6) 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 Regulation and Improvement Authority to discharge its duty under Article 176(2) of the Children (Northern Ireland) Order 1995.

(7) An inspection may not be carried out under this regulation in respect of—

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

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

unless the child is also a pupil at the relevant school.

Inspection of records

4.—(1) An authorised person may carry out an inspection of the records specified in paragraph (2) held by—

(a) the managers of any relevant school; or

(b) any person who is not a manager of such a school but who is responsible for conducting it,

in respect of all the children whom he has power to inspect pursuant to regulation 3.

(2) The records referred to in paragraph (1) are those containing information concerning the state of health, emotional or developmental well-being or welfare of the children in a relevant school and include any record containing any of the following—

(a) the name and address and contact details of the person with parental responsibility for a child in the school;

(b) details of medical treatment or dental treatment undergone by a child, while he is at school, whether or not administered by a member of staff of the school;