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

(**7**) S.R. 1996 No. 451

(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.