EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations replace the Rules revoked by Regulation 20. The Rules revoked applied only to the boarding-out of children by local authorities; these Regulations apply to such boarding-out and also to the boarding-out of children by voluntary organisations. They do not apply in the case of children boarded-out for a holiday, or for less than one month, or by the managers of an approved school.

The Regulations include provisions as to the consideration of a child's suitability for boarding-out, the medical and dental examination of children, suitability of foster parents and foster homes, visits and reports thereon, supervision and termination of boarding-out and records to be maintained and information to be exchanged by responsible authorities. Provision is made for the limitation of boarding-out in any area.

1959 No. 834 (S. 43)

The Administration of Children's Homes (Scotland) Regulations, 1959

Made - - - -	*5th May*, 1959
Laid before Parliament	*12th May*, 1959
Coming into Operation	*1st August*, 1959

In exercise of the powers conferred upon me by subsection (4) of section 15 and section 31 of the Children Act, 1948(a), I hereby make the following Regulations:—

PART I

LOCAL AUTHORITY HOMES AND VOLUNTARY HOMES

General Principles of Administration

1. The administering authority for any home shall make arrangements for the home to be conducted in such a manner and on such principles as will secure the well-being of the children in the home.

2. The administering authority for any home shall arrange for the home to be visited at least once in every month by an authorised visitor who shall satisfy himself that the home is conducted in accordance with Regulation 1 of these Regulations, shall report to the administering authority on his visit and shall enter in the log book referred to in paragraph 2 of the Schedule hereto his name and the date of his visit.

3. The administering authority for any home shall furnish the Secretary of State with such information as he may from time to time require as to the accommodation and staffing arrangements at the home.

(a) 11 & 12 Geo. 6. c. 43.

Person in Charge of Home

4. The administering authority for any home shall appoint a person to be in charge of the home:

Provided that where a person is in charge of the home immediately before these Regulations come into force that person shall be deemed to have been appointed under this Regulation to be in charge of the home.

Religious Instruction

5. The administering authority for any home shall secure that each child accommodated in the home attends regularly such religious services and receives such religious instruction as are appropriate to the religious persuasion to which he belongs and are practicable in the circumstances.

Medical Care

6.—(1) The administering authority for any home shall appoint a medical officer for the home.

(2) Subject to the next following paragraph the duties of any medical officer appointed under this Regulation for any home shall include—

(*a*) the general supervision of the health of the children accommodated in the home;

(*b*) the general supervision of the hygienic condition of the premises, and of the health of the staff, of the home;

(*c*) the giving of advice to the person in charge of the home on any matters affecting the health of the children therein or the staff thereof or the hygienic condition of the premises thereof;

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

(*e*) the examination of each child on admission to the home, thereafter at intervals not exceeding 12 months and immediately before discharge;

(*f*) the provision for the children accommodated in the home of such medical attention as may be necessary other than dental treatment;

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

(*h*) the preparation and submission to the administering authority of such reports in relation to the duties prescribed in this sub-paragraph as may be required by the administering authority.

(3) Notwithstanding anything in the preceding provisions of this Regulation the administering authority for any home may appoint more than one medical officer for the home and may divide between them, as the authority see fit, the duties prescribed in the last preceding paragraph of this Regulation. In particular, they may arrange for a medical practitioner to provide children with general medical services under Part IV of the National Health Service (Scotland) Act, 1947(**a**), and to undertake such of the duties prescribed under paragraph (2) of this Regulation as come within the scope of these general medical services.

(a) 10 & 11 Geo. 6. c. 27.

(4) The care authority for any child accommodated in a home where they are not the administering authority for the home may at any time request the administering authority to provide them with a medical report on the child.

Dental Care

7. The administering authority for any home shall make suitable arrangements for the dental care of the children in the home, and for this purpose may use the school health service, the general dental service provided under the National Health Service (Scotland) Act, 1947, or the special arrangements made by local authorities through their maternity and child welfare services for children of pre-school age.

Sleeping Accommodation

8. There shall be provided for every child accommodated in a home a separate bed in a room with sufficient ventilation and sufficient natural and artificial lighting, with not less than 45 square feet of floor space for each bed and a distance of not less than 6 feet between the centres of the beds. There shall be easy access from every bedroom to suitable and sufficient water closets and washing facilities.

Fire Precautions

9.—(1) The administering authority for any home shall consult the fire authority for the area in which the home is situated on the fire precautions which are suitable and necessary for the home.

(2) The administering authority shall make arrangements to secure by means of regular fire drills and practices that the staff of the home are acquainted with the alarm, escape and fire-fighting arrangements in the home and that the staff and, so far as is practicable, the children are well versed in the procedure to be followed in the evacuation of the building on alarm of fire being given.

(3) The administering authority shall notify the Secretary of State forthwith of any outbreak of fire necessitating the removal of any children from the home or from any part of it affected by the fire.

Discipline

10.—(1) The general discipline of the children accommodated in a home shall be maintained by the personal influence of the person in charge of the home.

(2) Except as provided in Regulation 11 a child whom it is necessary to punish for misconduct shall be punished only by a temporary loss of recreation or privileges.

(3) A record of any punishment administered to a child shall be made in the log book referred to in the Schedule to these Regulations.

(4) Any case in which a child is punished with abnormal frequency shall be reported by the person in charge of the home to the administering authority who shall arrange for an investigation of the child's mental condition.

11. Corporal punishment may exceptionally be administered to a child accommodated in a home :

Provided that—

(*a*) such punishment shall not be so administered otherwise than—

(i) by a person specifically empowered by the administering authority for the home to administer such punishment ; and

(ii) in accordance with such rules as to the manner and limits of administering such punishment as may be made by that authority; and

(*b*) in the case of a child known by the person empowered as aforesaid to have any physical or mental disability, such punishment shall not be administered without the sanction of the medical officer of the home, which sanction (if given) may be given in relation to that child either generally or in respect of a particular occasion.

Children over School Leaving Age

12. No child who has attained the upper limit of compulsory school age shall continue in residence in a home for the purpose of employment within the home without the consent of the Secretary of State.

Notification of Misadventure

13. The administering authority for any home shall forthwith inform the Secretary of State, and if practicable the parent or guardian of the child, of any case in which a child accommodated in the home—

(*a*) dies while so accommodated;

(*b*) runs away, or without lawful authority is taken away, from the home; or

(*c*) suffers while so accommodated from any injury or illness likely to result in death or a serious disability;

and shall supply to the Secretary of State such further information about the circumstances of the case as he may require.

Provided that where the administering authority are not the care authority for the child they shall also inform the care authority, who shall if practicable inform the parent or guardian of the child.

Records

14. The person in charge of any home shall be responsible for compiling the records referred to in the Schedule to these Regulations and shall keep them at all times available for inspection by any person visiting the home under Regulation 2 of the Regulations and by any person authorised by the Secretary of State to inspect the records.

15. The person in charge of any home shall be responsible for the custody of the medical record of each child accommodated in the home and shall at all times keep these records available to the medical officer, to any person authorised by the Secretary of State to inspect the records and to any person specifically authorised by the administering authority to inspect them.

PART II

ADDITIONAL PROVISIONS RELATING ONLY TO VOLUNTARY HOMES

Person in Charge of Home

16.—(1) The person in charge of any voluntary home shall be responsible to the administering authority for the conduct of the home.

(2) The administering authority shall forthwith notify the Secretary of State of any change of the person in charge of the home.

Visits by Parents or Guardians

17. The administering authority of a voluntary home shall furnish to the Secretary of State on demand such information as he may from time to time require as to the facilities provided by them for the parents or guardians of children accommodated in the home to visit and communicate with those children, and the Secretary of State may give directions as to the provision of such facilities.

Limitation of Numbers to be Accommodated

18. The Secretary of State may give directions to the administering authority of a voluntary home limiting the number of children who may at any one time be accommodated in that home.

PART III

EXTENT, INTERPRETATION, CITATION

Application

19. Subject to the next following Regulation these Regulations shall apply to all homes provided by local authorities under section 15 of the Act and to all voluntary homes, within the meaning of section 96 of the Children and Young Persons (Scotland) Act, 1937(**a**), as amended by section 27 of the Act, except—

(*a*) any remand home within the meaning of Part V of the said Act of 1937 ;

(*b*) any voluntary home which is, as a whole, subject to inspection by or under the authority of a government department otherwise than under Part VI of the said Act of 1937 ; and

(*c*) any home which is used solely for the purpose of providing holidays for children in which no one child stays for a period exceeding one month.

Exemption for Schools

20. When a home includes a school which is a public school, a grant-aided school or an independent school as defined in the Education (Scotland) Acts, 1939 to 1956(**b**), Regulation 2, paragraph (2) of Regulation 6 and Regulations 7, 10, 11, 13, 14 and 15 of these Regulations shall not apply to the part of the home used as a school during that part of the day in which it is being so used or to any child attending the school during that part of a day in which he is so attending.

Interpretation

21.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

" the Act " means the Children Act, 1948 ;

" administering authority " in relation to a home means the local authority providing or as the case may be the persons carrying on a home ;

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 37.
(**b**) *See* 9 & 10 Geo. 6. c. 72, s. 143, and 4 & 5 Eliz. 2. c. 75, s. 13 (1), sch. 1.

"authorised visitor" means, in the case of a home provided by a local authority, the children's officer and in other cases a person authorised by the person carrying on the home to visit that home;

"children's officer" means the children's officer of the care authority or a member of his staff authorised by the children's committee of the care authority to carry out visits to children accommodated in a home to which these Regulations apply;

"care authority" in relation to a child accommodated in a home means the local authority, if any—

(*a*) in whose care the child is by virtue of section 1 of the Act (or that section as extended by paragraph 1 of the Second Schedule to the Act) or by virtue of subsection (4) of section 6 of the Act; or

(*b*) to whose care as a fit person the child is committed under the Children and Young Persons (Scotland) Act, 1937; or

(*c*) to whose care the child is committed under section 10 of the Matrimonial Proceedings (Children) Act, 1958(a);

"home" means a home to which these Regulations apply;

"voluntary home" means a voluntary home to which these Regulations apply.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Citation, commencement and extent

22. These Regulations may be cited as the Administration of Children's Homes (Scotland) Regulations, 1959, shall come into operation on the first day of August, 1959, and shall extend to Scotland only.

John S. Maclay,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
5th May, 1959.

SCHEDULE

The records to be kept under the provisions of Regulation 14 shall be—

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 log book in which shall be recorded every event of importance connected with the home, including visits and inspections, every punishment administered to a child in the home, and every fire drill or practice conducted in the home, a note of the fire precautions recommended to the administering authority by the fire authority in the course of consultation as provided for under Regulation 9 and of the extent to which these recommendations have been implemented.

3. Records of the food provided for the children accommodated in the home in sufficient detail to enable any person inspecting the records to judge whether the dietary is satisfactory.

(a) 6 & 7 Eliz. 2. c. 40. (b) 52 & 53 Vict. c. 63.

4. A personal history of each child in the home. This shall include his medical history; a note of the circumstances in which he was admitted to the home; and in the case of a child in the care of a local authority of the circumstances which made it impracticable or undesirable to board him out; a record of the progress made during his stay in the home (in which shall be noted, among other things, visits received from parents, relatives or friends, successes achieved at school or elsewhere, and any emotional or other difficulties experienced by the child); and a note of his destination when discharged from the home.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These Regulations deal with the conduct of children's homes provided by a local authority under section 15 of the Children Act, 1948, and of voluntary homes except homes which are remand homes, or voluntary homes subject to inspection by a government department otherwise than under Part VI of the Children and Young Persons (Scotland) Act, 1937, or homes used solely for providing holidays of less than one month.

The Regulations include provisions as to medical and dental care of the children, standards of sleeping accommodation, fire precautions, discipline and records. They also provide for the notification of certain contingencies to the Secretary of State.

1959 No. 548

The Approved Schools (Contributions by Local Authorities) Regulations, 1959

Made - - - -	*23rd March*, 1959
Coming into Operation	*1st April*, 1959

In pursuance of the power conferred upon me by subsection (1) of section ninety of the Children and Young Persons Act, 1933(a), I, the Right Honourable Richard Austen Butler, C.H., M.P., one of Her Majesty's Principal Secretaries of State, hereby make the following Regulations:—

1. The contributions to be made by the local authority named in an approved school order to the expenses of the managers of an approved school throughout the time during which the person to whom the order relates is under the care of the said managers and is not—

(*a*) out on licence or under supervision,

(*b*) receiving free of charge to the said managers hospital accommodation provided under Part II of the National Health Service Act, 1946(b), having been receiving such accommodation for a continuous period of not less than fourteen days, or

(a) 23 & 24 Geo. 5. c. 12. (b) 9 & 10 Geo. 6. c. 81.