STATUTORY INSTRUMENTS

1976 No. 626

PROBATION AND AFTER-CARE

The Approved Probation Hostel and Home and Bail Hostel Rules 1976

Made - - - 16th April 1976

Coming into Operation 1st June 1976

In pursuance of the power conferred upon me by section 49(2) and (3) of the Powers of Criminal Courts Act 1973(a), I hereby make the following Rules:—

Citation, commencement etc.

1. These Rules may be cited as the Approved Probation Hostel and Home and Bail Hostel Rules 1976 and shall come into operation on 1st June 1976.

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

(2) In these Rules, unless the context otherwise requires—

"approved probation hostel", "approved probation home" and "approved bail hostel" have the meanings assigned to them in section 57(1) of the Powers of Criminal Courts Act 1973;

"home" means an approved probation home;

"hostel" means an approved probation hostel or an approved bail hostel;

"person under supervision" means a person under supervision in pursuance of a requirement of a probation order;

"remand" includes committal for trial or sentence;

"resident" means a person residing in a hostel or home in pursuance of a requirement of a probation order or as a condition of bail;

"warden" means the person in charge of a hostel or home.

(3) In Rules 5 to 10 of these Rules "Committee" means the Managing Committee referred to in Rule 5; and elsewhere in these Rules "Committee" means the Managing Committee or the probation and after-care Committee responsible for the hostel or home.

3. The Approved Probation Hostel and Home Rules 1949(c) and the Approved Probation Hostel and Home (Amendment) Rules 1974(d) are hereby revoked.

(a) 1973 c. 62.
(b) 1889 c. 63.
(c) S.I. 1949/1376 (1949 I, p. 3530).
(d) S.I. 1974/1065 (1974 II, p. 3961).

Management of hostels and homes by voluntary organisations

4. Rules 5 to 10 of these Rules shall apply to hostels and homes which are not provided and carried on by a probation and after-care Committee.

5.—(1) Every hostel and home shall be managed by a committee which shall be known as the Managing Committee.

(2) The Committee shall consist of not more than twelve members of whom two at least shall be men and two at least shall be women.

(3) The probation and after-care Committee in whose area the hostel or home is situated shall appoint one member of the probation and after-care Committee and either the Chief Probation Officer or one other probation officer from that area nominated by the Chief Probation Officer to be members of the Managing Committee for the hostel or home.

(4) Members of the Committee shall be appointed for a period of three years but shall be eligible for re-appointment.

(5) Neither a resident nor a member of the staff of the hostel or home shall be a member of the Committee.

(6) The quorum of the Committee shall be one-third of the members.

6. The Committee may appoint such sub-committees as they think necessary for the efficient management of the hostel or home.

7. The Committee shall appoint one of their number to be Chairman and shall also appoint a Secretary and a Treasurer:

Provided that the same person may be appointed as Secretary and Treasurer but neither a resident nor a member of the staff of the hostel or home shall be eligible for appointment to either of those offices.

8. The Secretary shall notify to the Secretary of State the names and addresses of the members of the Committee.

9. The Committee and any sub-committee appointed by them shall keep minutes of their proceedings and these minutes shall be open to inspection by or on behalf of the Secretary of State and by the auditor appointed to audit the accounts of the hostel or home.

10.—(1) It shall be the duty of the Committee to ensure that the condition of the hostel or home is satisfactory and that it is run in a manner which will promote the welfare of the residents; and in this connection the Committee shall take into account any communication which may be made to them by or on behalf of the Secretary of State.

(2) The hostel or home shall be visited at least once a month by at least one member of the Committee who shall satisfy himself regarding the care of the residents and the state of the hostel or home and shall enter his conclusions in the log book kept under Rule 18 of these Rules.

(3) The Committee shall exercise an effective control over all expenditure.

(4) The Committee shall be responsible for the appointment, suspension or dismissal of the staff of the hostel or home.

Admissions and discharges

11.—(1) Except with the consent of the Secretary of State the number of residents in a hostel or home at any time shall not exceed such number as may be approved in respect of that hostel or home by the Secretary of State.

(2) Except with the prior consent of the Secretary of State the Committee shall not receive in the hostel or home any person who is outside the limits of age approved by the Secretary of State for that hostel or home.

12. A person shall not be received into a hostel or home if he is suffering from severe subnormality or psychopathic disorder within the meaning of section 4 of the Mental Health Act 1959(**a**).

13. Subject to the foregoing provisions of the Rules, no hostel or home shall, except with the consent of the Secretary of State, refuse to accept a person who is under the supervision of a probation officer and is required by the probation order to reside therein or who has been released on bail on condition that he resides therein, and who falls within the category of persons for which the hostel or home is approved.

14. Except with the consent of the Secretary of State—

(*a*) no person under the supervision of a probation officer shall reside in a hostel or home for any period other than the period, if any, for which he is required so to reside by the probation order;

(*b*) no person remanded on bail on condition that he resides in a hostel shall reside therein for any period other than the period of remand.

15.—(1) The Committee shall not, except in case of emergency, require a resident to cease to reside in the hostel or home before the expiry of the term of residence specified in the probation order or the expiry of the period of remand, as the case may be.

(2) The Committee shall, in any such case of emergency, give reasonable notice to the probation officer, or to the court which granted bail, as the case may require, and shall at the same time inform the Secretary of State of their intention to act under the foregoing paragraph of this Rule together with their reasons therefor.

16. Where a resident absconds from the hostel or home the warden shall immediately notify—

(*a*) the supervising probation officer, if the resident was on probation; or

(*b*) the relevant court and the police, if the resident was on bail;

and, in the case of a resident under 18 years of age, his next of kin (if any) shall, if possible, be notified immediately.

Staff

17.—(1) No person shall be appointed as Warden of a hostel or home without the prior approval of the Secretary of State, except that in an emergency a Committee may make such an appointment and shall then forthwith inform the Secretary of State of the appointment and the circumstances in which it was made; and the Secretary of State may, if he thinks fit, require the Committee to terminate the appointment.

(**a**) 1959 c. 72.

(2) The provisions of paragraph (1) of this Rule shall not apply to the appointment as Warden of a hostel or home of a probation officer by the probation and after-care Committee carrying on the hostel or home.

(3) Except with the consent of the Secretary of State, no member of the staff shall be retained after he has reached the age of 65.

18.—(1) The Warden shall keep, or cause to be kept, the following records, which shall at all times be available for inspection by any member of the Committee—

(*a*) a register of admissions and discharges in which shall be recorded all admissions to and discharges from the hostel or home;

(*b*) a log book in which shall be entered every event of importance connected with the hostel or home;

(*c*) a daily register of the presence or absence of each resident;

(*d*) a record of the progress of every resident in the hostel or home;

(*e*) a record of meals served and quantities and costs of foods used.

(2) The log book shall be laid before the Committee at each of their meetings and shall be signed by the Chairman.

(3) The Warden shall, on the request of the probation officer responsible for supervision, make a written report on the progress of a person under supervision residing in the hostel or home.

19. The Warden shall not incur any expenditure, other than petty expenditure within a limit approved by the Committee, without the previous sanction either of the Committee or of a member thereof authorised to act on behalf of the Committee.

Residents

20. Residents shall be given such assistance to find suitable employment or to undertake courses of education or training as may be appropriate.

21. Residents shall be allowed facilities for private interviews with a probation officer at any reasonable time.

22. Residents shall be given reasonable facilities for the practice of their religion.

23. Adequate provision shall be made for free time and recreation inside and outside the hostel or home.

24. The Committee shall, subject to the approval of the Secretary of State, make arrangements for the payment of pocket money to residents or particular classes of residents.

25. Residents shall be charged in respect of the expenses of their maintenance such sums as the Committee may, with the approval of the Secretary of State, determine.

Medical care of residents

26.—(1) The Committee shall appoint a Medical Officer whose duties shall include:—

(*a*) an examination of each resident as soon as practicable after admission;

(*b*) periodic inspection of the hostel or home from the hygienic point of view;

(*c*) advice as to dietary and general hygiene;

(*d*) the keeping of medical records in which shall be entered particulars of every medical examination carried out under this Rule and case notes relating to any resident receiving medical attention.

(2) The Medical Officer may attend any meeting of the Committee which is concerned with the management of the hostel or home and is not dealing with confidential matters concerning the staff and notice of such meetings shall be given to him.

27. The Committee shall ensure that facilities are available for the provision of any necessary medical and dental treatment.

General

28. The Committee shall arrange for the keeping of all registers and records required by the Secretary of State and shall cause to be sent to the Secretary of State such returns, statements, and other information as may be required by him from time to time.

29. The Committee shall cause a copy of these Rules to be given on appointment to each member of the Committee, to each member of the staff of the hostel or home and to the Medical Officer.

30. The Committee shall arrange for the hostel or home to be open at all times to inspection by or on behalf of the Secretary of State and shall, in connection with any such inspection, give all facilities for the examination of the books and records of the hostel or home.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

16th April 1976.

EXPLANATORY NOTE

(This Note is not part of the Order.)

These Rules make provision for the regulation, management and inspection of approved bail hostels, approved probation hostels and approved probation homes. The Rules revoke the Approved Probation Hostel and Home Rules 1949 (as amended). The provisions of the new Rules are generally similar to those of the 1949 Rules with appropriate amendments to extend the new Rules to approved bail hostels. In particular, the Rules provide that no person shall be appointed to be in charge of a hostel or home unless the Secretary of State has consented to his appointment, except that in an emergency the appointment can be made without such consent but the Secretary of State must then be informed and may require the appointment to be terminated. This restriction does not apply where the person appointed is a probation officer and a probation and after-care committee is carrying on the hostel or home.

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