2. APPROVED PROBATION HOSTEL AND HOME RULES

The Approved Probation Hostel and Home Rules, 1949

1949 No. 1376

Made - - - - 20*th July*, 1949
Coming into Operation 1*st August*, 1949

In pursuance of the power conferred upon me by subsection (2) of section forty-six of the Criminal Justice Act, 1948(a), I hereby make the following Rules:—

Management

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

(2) Two at least of the members of the Committee shall be men and two at least shall be women.

(3) No member of the staff of the hostel or home shall be a member of the Committee.

(4) A sufficient number of members of the Committee to ensure adequate supervision shall be resident within a reasonable distance of the hostel or home.

2.—(1) The Committee may appoint a Finance Sub-Committee and such other sub-committees as they think necessary for the efficient management of the hostel or home.

(2) Any sub-committee so appointed shall have such powers and duties as the Committee may determine.

3. 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 no member of the staff of the hostel or home shall be eligible for appointment to either of those offices.

4. The Secretary shall notify to the Secretary of State the names and addresses of the members of the Committee and any change due to death, retirement or other cause.

5.—(1) The Committee shall meet so far as practicable once a month and shall so arrange their meetings as to ensure that they meet at the hostel or home at least once in every two months.

(2) 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 under Rule 33 of these Rules.

(a) 11 & 12 Geo. 6. c. 58.

6.—(1) It shall be the duty of the Committee to ensure that the condition of the hostel or home and the training and welfare of the residents are satisfactory; and for this purpose 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, or some part of it, and shall enter his conclusions in the log book kept under Rule 14 of these Rules.

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

Admissions and Discharges

7.—(1) 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 authority 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.

8.—(1) A person shall not be received in a hostel or home—

(*a*) if he is on remand;

(*b*) if he is the subject of an interim order under subsection (2) of section sixty-seven of the Children and Young Persons Act, 1933(**a**) (which relates to temporary detention in a place of safety);

(*c*) if he is a defective within the meaning of section one of the Mental Deficiency Act, 1913(**b**);

(*d*) if he is suffering from epilepsy to such a degree that he cannot be accommodated therein without detriment to himself or other residents.

(2) A woman or girl who is pregnant shall not be received in a hostel or home unless it is approved for the admission of such cases.

(3) A person shall not be received in a hostel or home unless his period of residence is intended to be of sufficient duration to enable him to complete the scheme of training provided in the hostel or home.

9. Subject to the foregoing provisions of these 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 or supervision order to reside therein and who falls within the category of persons for which the hostel or home is approved.

10. Except with the authority of the Secretary of State—

(*a*) no person under supervision 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 or supervision order;

(*b*) no person shall reside in a hostel or home for more than a year.

11.—(1) The Committee shall not, except in case of emergency, require a person under supervision to cease to reside in the hostel or home before the expiry of the term of residence specified in the probation order or supervision order.

(a) 23 & 24 Geo. 5. c. 12.
(b) 3 & 4 Geo. 5. c. 28 as substituted by 17 & 18 Geo. 5. c. 33. s. 1 (1).

(2) The Committee shall in any such case of emergency give reasonable notice to the probation officer or other person responsible for supervision, 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.

12. Where a person under supervision absconds from a hostel or home, the Warden shall forthwith notify the probation officer or other person responsible for supervision.

Staff

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

(2) Any vacancy for a Warden shall, except in case of emergency, be advertised by the Committee unless the prior consent of the Secretary of State to dispense with this requirement is obtained.

(3) No appointment as Warden shall, except in case of emergency, be made without the consent of the Secretary of State.

(4) Where an appointment as Warden has been made in case of emergency without such consent as aforesaid, the Committee shall forthwith notify the Secretary of State of the appointment and of the circumstances in which it was made, and the Secretary of State may, if he thinks fit, require the Committee to terminate the appointment.

(5) Except with the consent of the Secretary of State no member of the staff shall be retained after he has reached the age of sixty-five years.

Warden

14.—(1) The Warden shall be responsible to the Committee for the efficient conduct of the hostel or home.

(2) The Warden shall keep the following records, which shall at all times be available for inspection by any member of the Committee, that is to say—

(*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 person under supervision residing in the hostel or home.

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

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

15. 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.

16. The Warden shall, subject to any directions of the Committee, determine the duties of the other members of the staff.

General care and welfare of residents

17. Each resident shall be provided with a separate bed and shall be kept supplied with such suitable clothing of a type worn in everyday life as may be necessary.

18.—(1) Residents shall be supplied with sufficient and varied food.

(2) Records shall be kept of the dishes that have been served and the weekly quantities of the main foodstuffs used.

19. Every hostel and home shall provide a scheme of training approved by the Secretary of State.

20. Residents in a hostel shall as soon as practicable, and in any case within two weeks of admission, be assisted in finding suitable employment outside the hostel.

21. A probation officer or other person responsible for supervision shall be allowed to see in private at any reasonable time any resident who is under his supervision.

22. Residents shall be given reasonable facilities for the practice of their religion and for attending each Sunday at a place of public worship.

23.—(1) Adequate provision shall be made for free time and recreation which shall include activities outside the grounds of the hostel or home.

(2) Arrangements shall be made for residents in a home to spend at least one hour daily in the open air.

24. Arrangements shall be made for the giving of pocket money each week to residents in a home subject to such conditions as may be approved by the Secretary of State.

25. Residents in a hostel shall be charged for the expenses of their maintenance in accordance with a scale approved by the Secretary of State.

Discipline

26. The discipline of the hostel or home shall be maintained by the personal influence of the Warden and staff.

27.—(1) The Warden shall be responsible for the immediate recording of any disciplinary action in the log book.

(2) No resident shall be allowed to administer any form of punishment to any other resident.

28.—(1) No corporal punishment of any kind shall be inflicted on a resident.

(2) For the purposes of this Rule the term "corporal punishment" includes striking, cuffing or shaking or the intentional infliction of any form of physical pain as a means of punishment.

Medical care of residents

29.—(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) Notice of any meeting of the Committee shall be given to the Medical Officer so that he may have an opportunity of attending and presenting a report.

30. The Committee shall ensure that arrangements are made for the provision of any necessary medical and dental treatment.

31. The Committee shall at once notify the Secretary of State of the death of any resident or of any accident which results in serious injury to a resident.

General

32. 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.

33. The Committee shall make such arrangements as may be approved by the Secretary of State for the appointment of an auditor and for the audit of the accounts of the hostel or home.

34. The Committee shall cause a copy of these Rules to be given on appointment to each member of the staff and to the Medical Officer.

35. 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.

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

" approved probation home " and " approved probation hostel " have the meanings assigned to them in subsection (1) of section forty-six of the Criminal Justice Act, 1948(**a**).

" Committee " has the meaning assigned to it in Rule 1 of these Rules;

" home " means an approved probation home;

" hostel " means an approved probation hostel;

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

" probation order " means an order made under section one of the Probation of Offenders Act, 1907(**b**), or section three of the Criminal Justice Act, 1948, whereby an offender is required respectively to be under the supervision of a person named in the order or of a probation officer appointed for or assigned to a petty sessional division or place named in the order;

" requirement of a probation order " includes a condition of a recognisance entered into by an offender under the said Act of 1907, and any reference to a person being required by a probation order shall be construed accordingly;

" resident " means a person residing in a hostel or home, whether in pursuance of a requirement of a probation order or supervision order or not;

(**a**) 11 & 12 Geo. 6. c. 58. (**b**) 7 Edw. 7. c. 17.

"supervision order" means an order made under section sixty-two, section sixty-three, section sixty-four or section eighty-four of the Children and Young Persons Act, 1933(a), placing a child or young person under the supervision of a probation officer or some other person appointed for the purpose by the court;

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

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

37. These Rules may be cited as the Approved Probation Hostel and Home Rules, 1949, and shall come into operation on the first day of August, 1949.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
20th July, 1949.

PROBATION OF OFFENDERS, SCOTLAND

The Probation (Scotland) Rules, 1949

1949 No. 150 (S. 12)

Made - - - -	*24th January,* 1949
Coming into Operation	*29th January,* 1949

In exercise of the powers conferred on him by section 9 of the Probation of Offenders (Scotland) Act, 1931(c), the Secretary of State hereby makes the following Rules:—

1. The Probation (Scotland) Rules, 1931(d), shall be amended in terms of the Schedule hereto.

2. The Probation (Scotland) Rules, 1946(e), are hereby revoked.

3. These Rules may be cited as the Probation (Scotland) Rules, 1949, and shall come into operation on the 29th day of January, 1949.

Given under the Seal of the Secretary of State this twenty-fourth day of January, nineteen hundred and forty-nine.

(L.S.) *C. C. Cunningham,*
Secretary.

Scottish Home Department,
St. Andrew's House,
Edinburgh 1.

(a) 23 & 24 Geo. 5. c. 12.
(b) 52 & 53 Vict. c. 63.
(c) 21 & 22 Geo. 5. c. 30.
(d) S.R. & O. 1931 (No. 1023) p. 1077.
(e) S.R. & O. 1946 (No 825) I, p. 1411.