STATUTORY INSTRUMENTS

1967 No. 858 (S.63).

PROBATION OF OFFENDERS

The Approved Probation Hostel (Scotland) Rules 1967

Made - - - -	1*st June* 1967
Coming into Operation	1*st June* 1967

The Secretary of State in exercise of the powers conferred on him by section 12(2) of the Criminal Justice (Scotland) Act 1949(a) and of all other powers enabling him in that behalf, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Approved Probation Hostel (Scotland) Rules 1967.

(2) In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

"the Act" means the Criminal Justice (Scotland) Act 1949;

"the Committee" has the meaning assigned to it in Rule 2 of these Rules;

"hostel" means a hostel approved under section 12(1) of the Act in respect of which payments have been or are to be made under section 75(3)(*b*) of the Act and which is not one to which the Administration of Children's Homes (Scotland) Regulations 1959(b) have been applied;

"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 2 of the Act whereby a person is required to be under the supervision of a probation officer;

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

"supervision order" means an order under section 66, 67 or 68 of the Children and Young Persons (Scotland) Act 1937(c) placing a young person under supervision of the probation officer or of some other person appointed for the purpose by the court;

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

(3) The Interpretation Act 1889(d) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Management

2.—(1) A hostel shall be managed by a committee of not more than 16 persons which shall be known as the Committee of Management (hereinafter referred to as "the Committee").

(2) Two at least of the members of the Committee shall be men, two at least shall be women, and one at least shall be a person with experience

(a) 1949 c. 94. (b) S.I. 1959/834 (1959 I, p. 586). (c) 1937 c. 37. (d) 1889 c. 63.

as the warden of a residential hostel or head of a school for young persons; at least one quarter of the members shall be under 40 years of age when appointed.

(3) No member of the staff of the hostel and no probation officer shall be a member of the Committee.

(4) In order to ensure that the Committee are kept closely in touch with the day-to-day administration of the hostel, a sufficient number of members of the Committee shall be resident within a reasonable distance of the hostel.

3.—(1) The Committee may appoint a finance committee and such other committees as they think necessary for the efficient management of the hostel.

(2) Any finance or other committee appointed in terms of this Rule shall have such title, powers and duties as the Committee may determine.

4. The Committee shall appoint one of their number to be chairman and shall also appoint a secretary and a treasurer:

Provided that no member of the staff of the hostel shall be eligible for appointment to either of those offices.

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

6.—(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 at least once in every 2 months.

(2) The Committee and any 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 32 of these Rules.

(3) The chief probation officer for the area in which the hostel is situated shall attend meetings of the Committee and of any committee as and when requested.

7.—(1) It shall be the duty of the Committee to ensure that the condition of the hostel and the arrangements made for the residents are satisfactory.

(2) The hostel shall be visited at least once in every month by a nominated member of the Committee who shall satisfy himself regarding the care of the residents and the state of the hostel, or some part of it; the visitor shall report to the Committee on his visit.

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

(4) The Committee shall furnish the Secretary of State with such information as he may from time to time require as to the use of accommodation and the staffing arrangements at the hostel and otherwise as he may specify.

Admissions and discharges

8.—(1) The number of residents in a hostel at any time shall not exceed such number as may be approved in respect of that hostel by the Secretary of State.

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

9.—(1) A person shall not be received in a hostel if he is—

(*a*) on remand;

(*b*) the subject of a warrant for temporary detention in a place of safety under section 47 of the Children and Young Persons (Scotland) Act 1937;

(*c*) suffering from mental deficiency;

(*d*) suffering from epilepsy to such a degree that he cannot be accommodated in the hostel without detriment to himself or other residents.

(2) A woman or girl who is known to be pregnant shall not be received in a hostel.

(3) A person shall not normally be received in a hostel unless it seems likely that he will remain there for more than 6 months.

10.—(1) Subject to the provisions of the two immediately foregoing Rules and to any directions issued to him by the Committee, admissions to the hostel shall be on the authority of the warden.

(2) In the exercise of his authority under the preceding paragraph of this Rule, the warden shall make every effort to admit any person whom he is requested to admit by a court; and shall not refuse to admit any such person unless he is satisfied that in the circumstances then obtaining in the hostel the person cannot be admitted without substantial detriment to the person himself or other residents.

11.—(1) No person under supervision shall be required to reside in a hostel for any period longer than the period of residence specified in the probation order or supervision order.

(2) Where at his request a person continues to reside (or resumes residence) in a hostel after he has ceased to be required to do so by a condition in his probation order or supervision order, the Committee shall inform the Secretary of State of the exceptional circumstances in which it has been arranged that the person may continue in residence for a further period.

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

(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.

13. Where a person under supervision absconds from a hostel the warden shall, so far as possible, forthwith notify the parents or guardian of that person and also the probation officer or other person responsible for his supervision and any probation officer so notified shall notify any other probation officer concerned.

Staff

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

(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) No member of the staff other than the domestic staff shall be retained after he has reached the age of 65 years.

Warden

15.—(1) The warden shall be responsible to the Committee for the efficient conduct of the hostel.

(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;

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

(*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.

(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, make a written report on the progress of a person under supervision residing in the hostel.

16. 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.

17. 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

18. Each resident shall have a separate bed in a room containing not more than four single beds and shall be kept supplied with such suitable clothing of a type worn in every day life by persons of his age and circumstances as may be necessary.

19.—(1) Residents shall be supplied with sufficient and varied food such as persons of their age would be given in a good home.

(2) Records shall be kept of the daily menus served and of the weekly quantities of the main foodstuffs used in the hostel.

20. Residents in a hostel shall as soon as practicable, and normally within 2 weeks of admission, be assisted in finding suitable employment outside the hostel.

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

22. Each resident shall be enabled to attend regularly so far as is practicable such religious services as are appropriate to the religious persuasion to which he belongs.

23. The warden shall ensure that all residents have opportunities of creative activity in their free time and other means of enjoying their leisure, including activities outside the grounds of the hostel.

24. Residents in a hostel shall be charged in respect of the expenses of their maintenance in accordance with such general directions as are given from time to time by the Secretary of State.

Discipline

25.—(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.

26.—(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

27.—(1) The Committee shall appoint a medical officer whose duties shall include:—

(*a*) an examination of each resident as soon as practicable after admission and immediately before he leaves the hostel;

(*b*) the general supervision of the hygienic condition of the premises and of the health of the staff and the residents in the hostel;

(*c*) advice as to dietetics 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.

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

29. 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.

Fire Precautions

30.—(1) The Committee shall consult the fire authority for the area in which the hostel is situated on the fire precautions which are required for the hostel.

(2) The Committee shall ensure that there are regular fire drills and practices so that the staff and the residents in the hostel are acquainted with the alarm, escape and fire-fighting arrangements.

General

31. 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.

32. 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.

33. 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.

34. The Committee shall arrange for the hostel 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.

Given under the seal of the Secretary of State for Scotland.

R. D. M. Bell,
Under Secretary.

St. Andrew's House,
Edinburgh, 1.
1st June 1967.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules deal with the management, staffing and administration of special probation hostels in Scotland.